



Journal of the House

State of Indiana

120th General Assembly

Second Regular Session

Thirty-Fourth Day

Tuesday Morning

March 13, 2018

The invocation was offered by Pastor Jerry Ross from Blessed Hope Baptist Church in Jasonville, a guest of Representatives Borders and Heaton.

The House convened at 10:00 a.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Friend.

The Speaker ordered the roll of the House to be called:

Austin	Kirchhofer
Aylesworth	Klinker
Bacon	Lawson <input type="checkbox"/>
Baird	Lehe
Bartels	Lehman
Bartlett	Leonard
Bauer	Lindauer
Behning	Lucas
Beumer	Lyness
Borders	Macer <input type="checkbox"/>
C. Brown	Mahan
T. Brown	May
Burton	Mayfield
Candelaria Reardon	McNamara
Carbaugh	Miller
Cherry	Moed <input type="checkbox"/>
Clere <input type="checkbox"/>	Morris <input type="checkbox"/>
Cook	Morrison
Culver	Moseley
Davisson	Negele
DeLaney	Nisly
DeVon	Ober
Dvorak	Olthoff
Eberhart <input type="checkbox"/>	Pelath <input type="checkbox"/>
Ellington	Pierce
Engleman	Porter
Errington	Pressel
Forestal <input type="checkbox"/>	Pryor <input type="checkbox"/>
Friend	Richardson
Frizzell	Saunders
Frye	Schaibley
GiaQuinta	Shackleford <input type="checkbox"/>
Goodin	Siegrist
Gutwein	Slager
Hamilton	Smaltz
Hamm	M. Smith
Harris	V. Smith
Hatfield	Soliday
Heaton	Speedy
Heine	Stemler
Huston	Steuerwald
Jordan	Sullivan
Judy	Summers
Karickhoff	J. Taylor
Kersey	Thompson

Torr
VanNatter
Washburne
Wesco
Wolkins ☐

Wright
J. Young
Zent
Ziemke ☐
Mr. Speaker

Roll Call 367: 88 present; 12 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Wednesday, March 4, 2018, at 10:00 a.m.

GUTWEIN

The motion was adopted by a constitutional majority.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed House Bill 1031-2018 because it conflicts with SEA 156-2018, SEA 341-2018, and SEA 373-2018 without properly recognizing the existence of SEA 156-2018, SEA 341-2018, and SEA 373-2018, has had Engrossed House Bill 1031-2018 under consideration and begs leave to report back to the House with the recommendation that Engrossed House Bill 1031-2018 be corrected as follows:

Page 19, line 6, delete "IC 5-10-5.5-4" and insert "IC 5-10-5.5-4, AS AMENDED BY SEA 373-2018, SECTION 4,".

Page 19, line 11, delete "surivors,".

Page 19, line 11, reset in roman "survivors,".

Page 19, between lines 21 and 22, begin a new paragraph and insert:

"(c) Within the participants' savings fund established by subsection (a), the board shall maintain a supplemental allowance reserve account for the purpose of paying postretirement benefit adjustments, including postretirement benefit increases, thirteenth checks, and other benefit changes or adjustments granted by the general assembly after June 30, 2018, to participants of the state excise police, gaming agent, gaming control officer, and conservation enforcement officers' retirement plan. The account consists of:

(1) amounts allotted to the account by the board from amounts transferred to the Indiana public retirement system under IC 4-30-16-3;

(2) amounts appropriated or transferred to the account by the general assembly;

(3) contributions from employers under IC 5-10.2-12-3; and

(4) donations, gifts, bequests, and devises made to the account.".

Page 57, line 40, delete "IC 8-1-13-16" and insert "IC 8-1-13-16, AS AMENDED BY SEA 156-2018, SECTION 2,".

Page 58, line 21, delete "all".

Page 58, line 21, before "members" insert "total number of".

Page 58, line 22, after "corporation" insert "who either are present and".

Page 58, line 22, delete "meeting," and insert "meeting or, as authorized under section 8(f) of this chapter, cast a vote before the date of the meeting,".

Page 63, line 9, delete "IC 8-1-17-12" and insert "IC 8-1-17-12, AS AMENDED BY SEA 156-2018, SECTION 5,".

Page 63, line 15, delete "herein".

Page 63, line 15, reset in roman "in".

Page 63, line 16, reset in roman "this chapter,".

Page 138, line 15, delete "IC 27-4-5-1" and insert "IC 27-4-5-1, AS AMENDED BY SEA 341-2018, SECTION 65,".

Page 138, line 34, delete "as".

Page 138, line 35, delete "amended,".

Page 143, line 23, delete "P.L.81-2012," and insert "SEA 341-2018,".

Page 143, line 24, delete "SECTION 35," and insert "SECTION 71,".

Page 144, line 1, delete "Office of the" and insert "Office,".

Page 144, line 2, delete "National Association of Insurance Commissioners,".

Page 144, line 4, delete "Securities Valuation".

Page 144, line 5, delete "Office)," and insert "NAIC Investment Analysis Office)".

(Reference is to EHB 1031 as printed February 20, 2018.)

TORR, Chair
DVORAK, R.M.M.
WASHBURN, Author

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed House Bill 1311-2018 because it conflicts with HEA 1095-2018 without properly recognizing the existence of HEA 1095-2018, has had Engrossed House Bill 1311-2018 under consideration and begs leave to report back to the House with the recommendation that Engrossed House Bill 1311-2018 be corrected as follows:

Page 8, line 24, delete "P.L.62-2017," and insert "HEA 1095-2018,".

Page 8, line 25, delete "SECTION 1," and insert "SECTION 11,".

Page 8, line 32, delete "the front of".

(Reference is to EHB 1311 as printed February 28, 2018.)

TORR, Chair
DVORAK, R.M.M.
SOLIDAY, Author

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed House Bill 1406-2018 because it conflicts with SEA 1262-2018 without properly recognizing the existence of SEA 1262-2018, has had Engrossed House Bill 1406-2018 under consideration and begs leave to report back to the House with the recommendation that Engrossed House Bill 1406-2018 be corrected as follows:

Page 8, line 20, delete "IC 6-8.1-9.5-6" and insert "IC 6-8.1-9.5-6, AS AMENDED BY HEA 1262-2018, SECTION 10,".

Page 8, line 24, delete "his" and insert "the debtor's".

Page 8, line 26, delete "he".

Page 8, line 26, reset in roman "the debtor".

(Reference is to EHB 1406 as reprinted February 27, 2018.)

TORR, Chair
DVORAK, R.M.M.
MAYFIELD, Author

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed Senate Bill 410-2018 because it conflicts with SEA 262-2018 and HEA 1119-2018 without properly recognizing the existence of SEA 262-2018 and HEA 1119-2018, has had Engrossed Senate Bill 410-2018 under consideration and begs leave to report back to the House with the recommendation that Engrossed Senate Bill 410-2018 be corrected as follows:

Page 1, line 1, delete "P.L.256-2017," and insert "SEA 262-2018,".

Page 1, line 2, delete "SECTION 135," and insert "SECTION 1,".

Page 1, line 4, delete "individual who:" and insert "individual:".

Page 1, line 5, after "(1)" insert "who".

Page 1, line 12, after "impairment;" delete "or".

Page 1, line 13, after "(2)" insert "who".

Page 1, line 17, delete "Indiana." and insert "Indiana; or (3) who:

(A) has been issued; or

(B) is otherwise eligible to receive;

a disabled Hoosier veteran license plate under IC 9-18.5-5 and requests a permanent parking placard.".

Page 5, line 10, delete "P.L.117-2015," and insert "HEA 1119-2018,".

Page 5, line 11, delete "SECTION 31," and insert "SECTION 2,".

Page 6, line 24, delete "or".

Page 6, line 26, delete "chapter." and insert "chapter;

(10) a licensed dentist;

(11) a home health aide, as defined by section 174 of this chapter; or

(12) a licensed physician assistant.".

(Reference is to ESB 410 as printed February 23, 2018.)

TORR, Chair
DVORAK, R.M.M.
KIRCHHOFFER, Sponsor

Report adopted.

Representatives Davisson, Kirchhofer, Leonard, Olthoff, Slager and Zent, who had been present, are now excused.

MOTIONS TO CONCUR IN SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1109.

CARBAUGH

Roll Call 368: yeas 81, nays 0. Motion prevailed.

Representatives Macer and Lawson, who had been excused, are now present.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1288.

TORR

Roll Call 369: yeas 83, nays 0. Motion prevailed.

Speaker Bosma yielded the gavel to Acting Speaker Stemler.

RESOLUTIONS ON FIRST READING

House Resolution 62

Representatives Bosma, Lehman, Richardson and Goodin introduced House Resolution 62:

A HOUSE RESOLUTION honoring Representative Bill Friend.

Whereas, Representative Bill Friend, who was first elected to represent the citizens of House District 23 in 1992, will be leaving the House Chamber for the last time at the end of the 2018 legislative session;

Whereas, During his time in the House of Representatives, Representative Friend has served as Minority Floor Leader, Speaker Pro Tempore and as a member of the Agriculture and Rural Development Committee, Natural Resources Committee, Environmental Affairs Committee, Statutory Committee on Interstate and International Cooperation, Joint Rules Committee, and Ways and Means Committee;

Whereas, In addition to his work at the Statehouse, Representative Friend is an active member of several civic organizations including the Mexico Baptist Church as a Sunday school teacher for over 25 years, Lincoln Lodge #523 F. & A.M., Scottish Rite, and Murat Shrine;

Whereas, Before his time at the Statehouse, Representative Friend served as the Allen Township Trustee and Assessor, Miami County Auditor, Vice President of the Miami County Council, Peru-Miami County Economic Development Corporation, Grissom Redevelopment Authority Treasurer, and Solid Waste District Fiscal Officer;

Whereas, Representative Friend was named the 2003 Distinguished Alumni by the University of Indianapolis; 2006 Hardwood Hero by the Indiana Hardwood Lumberman's Association; and received the Industry Meritorious Service Award, Indiana Pork Producers Association; Friend of Conservation Award, presented by SWCD; Accomplishment Award, Soil and Water Conservation Districts Society; and the Golden Shovel Award, presented by the Peru-Miami County Economic Development Corp.;

Whereas, Representative Friend is the owner and operator of Friend Farms and President of Green Acres Ham LLC;

Whereas, Representative Friend graduated from North Miami High School in 1967 and received a bachelor's degree in biology from the University of Indianapolis in 1971;

Whereas, Representative Friend is married to Ann and they have three children: Chris, Mandy and Daniel, and two grandchildren, William and Sara Ann; and

Whereas, Representative Bill Friend has served his constituency loyally and faithfully since his election to the House of Representatives: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives bids a fond farewell to Representative Bill Friend. The House of Representatives has seen only good things during his tenure.

Legislators and staff alike will miss him greatly. His departure will leave a void that never will be truly filled.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Representative Bill Friend and his family.

The resolution was read a first time and adopted by voice vote.

Representative Stemler yielded the gavel to Acting Speaker C. Brown

House Resolution 63

Representatives Bosma, Lehman and Goodin introduced House Resolution 63:

A HOUSE RESOLUTION honoring Representative Kathy Kreag Richardson.

Whereas, Representative Richardson, who was first elected to represent the citizens of House District 29 in 1992, will be leaving the House Chamber for the last time at the end of the 2018 legislative session;

Whereas, During her time in the House of Representatives, Representative Richardson has served as chairwoman and vice chairwoman of the Elections and Apportionment Committee, as well as a member of the Legislative Council, Judiciary Committee, Courts and Criminal Code Committee, Statutory Committee on Ethics, Statutory Committee on Interstate and International Cooperation, Economic Growth and Regulatory Relief, and Local Government;

Whereas, Representative Richardson was the first woman in Indiana history to be elected to a leadership position in the Indiana House. She has served the Republican Caucus as caucus chairwoman since 2000, where she has played an invaluable role in guiding legislative policy, building relations among lawmakers and staff, and helping her caucus's newly elected members;

Whereas, Representative Richardson has also been a leader in the legislature on election related issues, including measures to create online voter registration, require centralized counting on absentee ballots and establishing countywide vote centers. She has also served a leading role in the state's redistricting process;

Whereas, In addition to her service as a state representative, Representative Richardson works as an election administrator for Hamilton County. She is involved in many organizations from her home county including the Noblesville Chamber of Commerce, Association of Clerks of the Circuit Court, Association of Indiana Counties, Hamilton County Fraternal Order of Police, Hamilton County Humane Society, Hamilton County Historical Society, NHS Alumni Association, First Christian Church of Noblesville, Noblesville Riverwalk Committee, Hamilton County 4-H Council, and as a Hamilton County Extension Board member, among many others. She is a passionate supporter of local sports, and you can always catch her at a local school's sports games cheering on the team;

Whereas, Representative Richardson graduated from Noblesville High School and attended Purdue University;

Whereas, Representative Richardson is married to Perry Williams; and

Whereas, Representative Richardson has served her constituency loyally and faithfully since her election to the House of Representatives: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives bids a fond farewell to Representative Kathy Richardson. The House of Representatives has seen only good things during her tenure. Legislators and staff alike will miss her greatly. Her departure will leave a void that will never be truly filled.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Representative Kathy Kreag Richardson and her family.

The resolution was read a first time and adopted by voice vote.

House Resolution 64

Representative Wright introduced House Resolution 64:

A HOUSE RESOLUTION recognizing athletic trainers during National Athletic Training Month.

Whereas, Athletic trainers have a long history of providing quality health care for athletes and those engaged in physical activity based on specific tasks, knowledge, and skills acquired through their nationally regulated educational processes;

Whereas, Athletic trainers provide prevention of injuries, recognition, evaluation and aggressive treatment, rehabilitation, health care administration, education and guidance, and compassionate care for all;

Whereas, The National Athletic Trainers' Association represents and supports 44,000 members of the athletic training profession employed in many settings including professional sports, colleges and universities, high schools, clinics and hospitals, corporate and industrial settings, performing arts, and military branches;

Whereas, Leading organizations concerned with athletic training and health care have joined together in a common desire to raise public awareness of the importance of the athletic training profession and to emphasize the importance of quality health care within the aforementioned settings; and

Whereas, Such an effort will improve health care for athletes and those engaged in physical activity and promote athletic trainers as health professionals: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the members of the Indiana House of Representatives acknowledge the many contributions made by athletic trainers.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the National Athletic Trainers' Association.

The resolution was read a first time and adopted by voice vote.

House Resolution 65

Representative V. Smith introduced House Resolution 65:

A HOUSE RESOLUTION urging the legislative council to assign to an appropriate study committee the topic of school performance grades.

Whereas, School corporations and secondary schools throughout Indiana use a litany of grading scales, including varying percentiles for students to achieve a particular grade on the A through F grading scale, to determine the performance of individual students as they continue through their education;

Whereas, Colleges and universities utilize individual performance grades of high school students to determine eligibility to attend an institution, to participate in grant and scholarship programs, and to receive direct admittance into institutional programs; and

Whereas, Without a standardized grading scale, higher education institutions must obtain grading scale information from each individual school and weigh the grading scales accordingly to ensure that no disparities exist for enrollment eligibility of applicants: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the legislative council is urged to assign to the appropriate study committee the topic of school performance grades to determine if there is any disparity in determining enrollment eligibility in a state educational institution or education program offered by the state educational institution that is caused by the use of different grading scales by public secondary schools.

SECTION 2. That the committee, if assigned the topic, shall issue to the legislative council a final report containing the study committee's findings and recommendations, including recommended legislation concerning the topic, in an electronic format under IC 5-14-6, not later than November 1, 2018.

The resolution was read a first time and adopted by voice vote.

House Resolution 66

Representative Siegrist introduced House Resolution 66:

A HOUSE RESOLUTION recognizing the 100th anniversary of Henry Poor Lumber Company in the greater Lafayette community.

Whereas, Henry Poor Lumber Company is celebrating 100 years in business in the greater Lafayette community;

Whereas, Henry Poor Lumber Company has built its reputation by meeting the needs of the local contractor, builder, and remodeler;

Whereas, Locally owned and operated for 100 years, Henry Poor Lumber Company supplies quality building materials, custom mill work, engineered components, cabinets, countertops, and floor coverings with superior personal service;

Whereas, Originally known as Ed Munger Lumber Company, Henry Poor Lumber Company expanded to include Henry Poor Lumber (1983), Flooring Express (2011), HP Manufacturing (2014), and HP Wood Packaging (2017);

Whereas, Henry Poor Lumber Company has supported many community groups including the YMCA, Junior Achievement, the Cancer Walk, Food Finders, Sigma Chi fraternity, Purdue University, and many other organizations; and

Whereas, Companies such as Henry Poor Lumber Company deserve special recognition: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives congratulates Henry Poor Lumber Company on its 100th anniversary and recognizes its many contributions to the community.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Henry Poor Lumber Company.

The resolution was read a first time and adopted by voice vote.

House Resolution 67

Representatives Frizzell and Leonard introduced House Resolution 67:

A HOUSE RESOLUTION supporting Taiwan's signing of a Bilateral Trade Agreement (BTA) with the United States and reaffirming support for increasing Taiwan's international profile and for strengthening sister-state ties between Indiana and Taiwan.

Whereas, The state of Indiana is proud of the sister-state relationship it has enjoyed with the Republic of China (Taiwan) since 1979 marked by strong bilateral trade, educational and cultural exchange, and tourism;

Whereas, Taiwan shares the same values of freedom, democracy, human rights, the rule of law, peace, and prosperity with the United States and the state of Indiana;

Whereas, The United States ranks as Taiwan's second largest trading partner; Taiwan is the 10th largest trading partner of the United States, and bilateral trade reached \$65.3 billion in 2016;

Whereas, Taiwan and the state of Indiana have enjoyed a long and mutually beneficial relationship with the prospect of future growth, and Taiwan was Indiana's seventh largest export market in Asia in 2016, with \$181.04 million worth of Indiana goods exported to Taiwan;

Whereas, Negotiations for a Bilateral Trade Agreement (BTA) between Taiwan and the United States are an important step toward further strengthening bilateral trade between our countries, thereby increasing Indiana's exports to Taiwan and creating bilateral investment and technical collaboration through tariff reduction and other trade facilitation measures; and

Whereas, Taiwan has undertaken a policy of "steadfast diplomacy" in its international relations. Taiwan is capable of and willing to fulfill its responsibilities and to collaborate with the world to deal with the challenges of humanitarian aid, disease control, and so forth: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives reaffirms its commitment to the strengthening and deepening of the sister-state relationship between Taiwan and the state of Indiana.

SECTION 2. That the Indiana House of Representatives endorses Taiwan's efforts to secure the signing of a Bilateral Trade Agreement (BTA) with the United States.

SECTION 3. That the Indiana House of Representatives continues to support Taiwan's meaningful participation in international organizations which impact the health, safety, and well-being of its people, and supports its aspiration to make more contributions in international societies.

SECTION 4. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the members of the Indiana Congressional delegation and the Taipei Economic and Cultural Office in Chicago, Illinois.

The resolution was read a first time and adopted by voice vote.

House Concurrent Resolution 75

Representatives Siegrist and Klinker introduced House Concurrent Resolution 75:

A CONCURRENT RESOLUTION recognizing the 20th anniversary of the Center for Education and Research in Information Assurance and Security (CERIAS).

Whereas, Purdue University's Center for Education and Research in Information Assurance and Security (CERIAS) was founded in 1998 as a center of excellence to address the issues of information assurance, security, and privacy from a

multidisciplinary perspective, the first such academic institute of its kind in the United States;

Whereas, CERIAS has shaped the education for more than 1,000 of the world's information security researchers, practitioners, and policy makers;

Whereas, CERIAS research and industry collaboration has significantly impacted computer and network security, eCommerce safety, cybercrime and cyberterrorism prevention, critical infrastructure protection, and national defense;

Whereas, More than 400 CERIAS affiliated faculty and students from Purdue University campuses across Indiana continue to address emerging cyber and cyber-physical threats and vulnerabilities through world-class education and research;

Whereas, Local, state, national, and international governments have called upon CERIAS to provide technical assistance, policy advice, and nonbiased guidance to safeguard their citizens and civic information systems;

Whereas, CERIAS affiliated projects have directly and indirectly resulted in the founding of new businesses that are contributing to commerce and workforce development within Indiana;

Whereas, Digital interconnectivity continues to grow; CERIAS, the world's largest and preeminent interdisciplinary institute for cyber assurance, security, privacy, and resiliency has a mission that is as important today as it was at the time of its founding in 1998: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the members of the Indiana General Assembly recognize the 20th anniversary of Purdue University's Center for Education and Research in Information Assurance and Security (CERIAS) and its continuing leadership in cyber and cyber-physical security education, research, and outreach.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the members of the Center for Education and Research in Information Assurance and Security (CERIAS) and Purdue University President Mitch Daniels.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Altig.

House Concurrent Resolution 76

Representatives Clere and Engleman introduced House Concurrent Resolution 76:

A CONCURRENT RESOLUTION recognizing the Floyd Central High School Orchestra on its victory at the 2017 Indiana State School Music Association's State Concert Finals.

Whereas, The Floyd Central High School Orchestra placed first at the Indiana State School Music Association's (ISSMA's) State Concert Orchestra Finals on May 6, 2017;

Whereas, The Floyd Central High School Orchestra finished first from among eight finalists at the Pike High School Performing Arts Center in Indianapolis;

Whereas, The orchestra performed popular pieces from artists such as Pyotr Tchaikovsky, Zoltan Kodaly, and Edward Elgar at the ISSMA Concert Finals;

Whereas, Since 1989, the Floyd Central High School Orchestra has been to the state finals 28 consecutive times, finishing 16 times in the top four;

Whereas, The last time the school won the state championship prior to 2017 was in 1995;

Whereas, The 2017 Floyd Central High School Orchestra was led by Director Doug Elmore with help from Assistant Director Paul Shepherd; and

Whereas, Outstanding accomplishments such as this deserve special recognition: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the members of the Indiana General Assembly congratulate the Floyd Central High School Orchestra on its first place finish in the Indiana State School Music Association's State Concert Finals and wish orchestra members continued success in all their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to each orchestra member, Director Doug Elmore, Assistant Director Paul Shepherd, Principal Dr. Rob Willman, and Superintendent Dr. Bradley J. Snyder.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Grooms.

The Acting Speaker Representative C. Brown yielded the gavel to Speaker Bosma.

The House recessed until the fall of the gavel.

RECESS.

The House reconvened at 4:02 p.m. with the Speaker in the Chair.

RESOLUTIONS ON FIRST READING

House Resolution 68

Representative Negele introduced House Resolution 68:

A HOUSE RESOLUTION recognizing the five-year campus anniversary celebration of Ivy Tech Community College Crawfordsville.

Whereas, the Ivy Tech Community College Crawfordsville anniversary celebration aims to honor five years of continuing education and career development at its current site, and 16 years of serving students locally in Crawfordsville;

Whereas, In the last decade, more than 13,000 residents of Montgomery County have been able to enrich their lives and prepare for satisfying and well-paying careers, as well as for advanced educational opportunities; and

Whereas, Ivy Tech Community College has had a presence in the economic region since 1968 and now has partnerships with more than 50 four-year institutions both in and out of state: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives recognizes the five-year anniversary of Ivy Tech Community College's Crawfordsville campus, commemorating 16 years in Crawfordsville and 50 years in the economic region.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Dr. Geoff Knowles, Executive Director.

The resolution was read a first time and adopted by voice vote.

A meeting of the Committee on Rules and Legislative Procedures was announced.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 5:08 p.m. with the Speaker in the Chair.

Representatives Clere, Davisson, Kirchhofer, Leonard, Moed, Morris, Olthoff, Pelath, Pryor, Shackelford, Slager, Wolkins, Zent and Ziemke, who had been excused, are now present.

Representatives Hatfield, Morrison, Stemler and VanNatter, who had been present, are now excused.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed Senate Bill 238-2018 because it conflicts with HEA 1288-2018 without properly recognizing the existence of HEA 1288-2018, has had Engrossed Senate Bill 238-2018 under consideration and begs leave to report back to the House with the recommendation that Engrossed Senate Bill 238-2018 be corrected as follows:

Page 10, line 6, after "ASSEMBLY," insert "AND AS AMENDED BY HEA 1288-2018, SECTION 22,".

Page 10, line 28, delete "under IC 6-8.1-9-14(d)".

(Reference is to ESB 238 as reprinted February 27, 2018.)

TORR, Chair
DVORAK, R.M.M.
STEUERWALD, Sponsor

Report adopted.

ACTION ON RULES SUSPENSIONS AND CONFERENCE COMMITTEE REPORTS

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 161.2 and recommends that it be suspended so that the following conference committee reports are eligible for consideration after March 3, 2018; we further recommend that House Rule 163.1 be suspended so that the following conference committee reports may be laid over on the members' desks for 1 hour, so that they may be eligible to be placed before the House for action: Enrossed House Bill 1001-1, 1060-1, 1089-1, 1227-1, 1270-1, 1317-1, 1320-1 and 1323-1 and Engrossed Senate Bill 421-1.

TORR, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 161.2 be suspended so that the following conference committee reports are eligible for consideration after March 3, 2018, and that House Rule 163.1 be suspended so that the following conference committee reports may be laid over on the members' desks for 1 hour, so that they may be eligible to be placed before the House for action: Enrossed House Bill 1001-1, 1060-1, 1089-1, 1227-1, 1270-1, 1317-1, 1320-1 and 1323-1 and Engrossed Senate Bill 421-1.

TORR, Chair

Motion prevailed.

CONFERENCE COMMITTEE REPORT
EHB 1001-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1001 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 20-19-3.6 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 3.6. Virtual Education Program Report

Sec. 1. As used in this chapter, "virtual education program" means a program provided by a school corporation in which a student in the program is provided instruction in an interactive learning environment created through technology in which the student is separated from a teacher by time or space, or both.

Sec. 2. (a) Before October 1, 2018, each school corporation operating a virtual education program shall submit a report to the department covering the program.

(b) The report must include the following:

- (1) The virtual education program enrollment policy, including the grade levels the program serves.
- (2) The ADM count for the school corporation.
- (3) The ADM count of students participating in a virtual education program, including the composition of the legal settlement of the students and the amount and percentage of virtual program instructional time compared to total instructional time spent by students participating in the program, for each of the following school years:

- (A) The 2016-2017 school year.
- (B) The 2017-2018 school year.
- (C) The 2018-2019 school year.

(4) An estimate of the following for the 2019-2020 school year:

- (A) The expected ADM count of all students enrolled in the school corporation.
- (B) The expected ADM count of students expected to participate in a virtual education program.
- (C) The amount and percentage of virtual program instructional time compared to total instructional time to be spent by students expected to participate in a virtual education program.

(c) The department shall provide to the budget committee before January 1, 2019, a report covering the information reported by school corporations on virtual education programs for the 2016-2017 school year through the 2018-2019 school year and the 2019-2020 school year estimates.

(d) This chapter expires June 30, 2019.

SECTION 2. IC 20-43-2-2, AS AMENDED BY P.L.205-2013, SECTION 269, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The maximum state distribution for a state fiscal year for all school corporations for the purposes described in section 3 of this chapter is the amount appropriated by the general assembly for those purposes for that state fiscal year.

(b) If the budget director, after review by the budget committee, makes a determination that the amount of the distribution for a state fiscal year for all school corporations for the purposes described in section 3 of this chapter exceeds the amount appropriated for these purposes for the state fiscal year, the budget agency shall transfer money

from the state tuition reserve account to the state general fund to cover the difference. However, the maximum amount that may be transferred to the state general fund for the state fiscal year may not exceed:

- (1) twenty-five million dollars (\$25,000,000) for the state fiscal year beginning July 1, 2017; and
- (2) seventy-five million dollars (\$75,000,000) for the state fiscal year beginning July 1, 2018.

(c) Any amounts transferred under this section shall be used to augment the appropriation for state tuition support for the state fiscal year and shall be distributed to school corporations to make or restore the distributions for the purposes described in section 3 of this chapter.

(d) Transfers under this section are in addition to any transfers made from the state tuition reserve account under IC 4-12-1-15.7 or any other law.

(e) To the extent that the amount appropriated plus the amount transferred is less than the amount that would be distributed under this article, the total amount to be distributed for the purposes described in section 3 of this chapter to each recipient during the remaining months of the state fiscal year shall be proportionately reduced so that the total reductions equal the amount of the excess for the purposes described in section 3 of this chapter.

SECTION 3. IC 20-43-2-3, AS AMENDED BY P.L.213-2015, SECTION 208, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. ~~If the total amount to be distributed:~~ In determining the total amount to be distributed for purposes of section 2 of this chapter, distributions:

- (1) as basic tuition support;
- (2) for honors diploma awards;
- (3) for complexity grants;
- (4) for special education grants;
- (5) for career and technical education grants;
- (6) for choice scholarships; and
- (7) for Mitch Daniels early graduation scholarships;

are to be considered for a particular state fiscal year. ~~exceeds the amounts appropriated by the general assembly for those purposes for the state fiscal year; the total amount to be distributed for those purposes to each recipient during the remaining months of the state fiscal year shall be proportionately reduced so that the total reductions equal the amount of the excess.~~

SECTION 4. IC 20-43-2-4, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The amount of the reduction for a particular school corporation under section 3 2 of this chapter is equal to the total amount of the excess determined under section 3 2 of this chapter multiplied by a fraction. The numerator of the fraction is the amount of the distribution for state tuition support that the school corporation would have received if a reduction were not made under this section. The denominator of the fraction is the total amount that would be distributed for state tuition support to all school corporations if a reduction were not made under this section.

SECTION 5. IC 20-43-4-5, AS AMENDED BY P.L.213-2015, SECTION 213, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. In determining ADM, each kindergarten pupil **who is at least five (5) years of age on August 1 of a school year** shall be counted as:

- (1) one (1) pupil, if the pupil is enrolled in a full-day kindergarten program; or
- (2) one-half (1/2) pupil, if the pupil is enrolled in a half-day kindergarten program.

If a school corporation commences kindergarten in a school year, the ADM of the current and prior calendar years shall be adjusted to reflect the enrollment of the kindergarten pupils. A kindergarten pupil who is not at least five (5) years of age

on August 1 of a school year may not be counted.

SECTION 6. An emergency is declared for this act.

(Reference is to EHB 1001 as printed February 16, 2018.)

SIEGRIST	MISHLER
PORTER	TALLIAN
House Conferees	Senate Conferees

Roll Call 370: yeas 94, nays 0. Report adopted.

Representatives Forestal, Hatfield and Morrison, who had been excused, are now present.

CONFERENCE COMMITTEE REPORT
EHB 1060-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1060 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 24-4-9-2, AS AMENDED BY P.L.19-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. As used in this chapter, "damage waiver" or "waiver" means any contract or contract provision, whether separate from or a part of a rental agreement, under which a rental company agrees to waive ~~any or~~ all claims against the renter for any physical or mechanical damage **or other loss or liability**, as ~~defined described~~ in section 13 of this chapter, to **or in connection with** the rented vehicle during the term of the rental agreement.

SECTION 2. IC 24-4-9-13, AS AMENDED BY P.L.126-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 13. A rental company and renter may agree that the renter will be responsible for no more than all of the following:

- (1) Physical damage to the rented vehicle up to its fair market value regardless of the cause of damage.
- (2) Mechanical damage to the rental vehicle, up to and including the rental vehicle's fair market value, resulting from:
 - (A) a collision;
 - (B) an impact; or
 - (C) another incident that is caused by the renter's or authorized driver's deliberate act.
- (3) Loss due to theft of the rental vehicle up to its fair market value. ~~However, the renter shall be presumed to have no liability for any loss due to theft if the renter or authorized driver:~~

~~(A) has possession of the ignition key furnished by the rental company or establishes that the ignition key furnished by the rental company was not in the vehicle at the time of the theft; and~~
~~(B) files an official report of the theft with the police or other law enforcement agency within twenty-four (24) hours of learning of the theft and reasonably cooperates with the rental company, police, and other law enforcement agency in providing information concerning the theft.~~

The presumption set forth in this subdivision is a presumption affecting the burden of proof, which the rental company may rebut by establishing that a renter or other authorized driver committed or aided and abetted in the commission of the theft.

- (4) Physical damage to the rented vehicle up to its fair market value resulting from vandalism occurring after, or in connection with, the theft of the rented vehicle.

However, the renter is presumed to have no liability for any loss due to vandalism if the renter or authorized driver:

- (A) has possession of the ignition key furnished by the rental company or establishes that the ignition key furnished by the rental company was not in the vehicle at the time of the vandalism; and
- (B) files an official report of the vandalism with the police or other law enforcement agency within twenty-four (24) hours of learning of the vandalism and reasonably cooperates with the rental company, police, and other law enforcement agency in providing information concerning the vandalism.

The presumption set forth in this subdivision is a presumption affecting the burden of proof, which the rental company may rebut by establishing that a renter or other authorized driver committed or aided and abetted in the commission of the vandalism.

- (5) Physical damage to the rented vehicle and loss of use of the rented vehicle up to its fair market value resulting from vandalism unrelated to the theft of the rented vehicle.
- (6) Loss of use of the rented vehicle, if the renter is liable for damage.
- (7) Actual charges for towing, storage, and impoundment fees paid by the rental company, if the renter is liable for damage.
- (8) Reasonable attorney's fees related to the enforcement of the rental agreement.
- (9) An administrative charge.
- (10) The cost of appraisal and all other costs and expenses incident to the damage, loss, loss of use, repair, or replacement of the rented vehicle.

However, a damage waiver sold by the rental company must cover all damage, loss, and liability described in this section, less any deductible included in the waiver.

SECTION 3. IC 34-30-20-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. A person is immune from civil liability based on an act or omission related to the use of a firearm or ammunition for a firearm by another person if the other person directly or indirectly obtained the firearm or ammunition for a firearm through the commission of the following:

- (1) Burglary (IC 35-43-2-1).
- (2) Robbery (IC 35-42-5-1).
- (3) Theft (IC 35-43-4-2).
- (4) Receiving stolen property (IC 35-43-4-2) **(before its amendment on July 1, 2018).**
- (5) Criminal conversion (IC 35-43-4-3).

SECTION 6. IC 35-43-4-2, AS AMENDED BY P.L.166-2017, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. (a) A person who knowingly or intentionally exerts unauthorized control over property of another person, with intent to deprive the other person of any part of its value or use, commits theft, a Class A misdemeanor. However, the offense is:

- (1) a Level 6 felony if:
 - (A) the value of the property is at least seven hundred fifty dollars (\$750) and less than fifty thousand dollars (\$50,000);
 - (B) the property is a:
 - (i) firearm; or
 - (ii) motor vehicle (as defined in IC 9-13-2-105(a)); or
 - (iii) component part (as defined in IC 9-13-2-34) of a motor vehicle; or
 - (C) the person has a prior unrelated conviction for
 - (i) theft under this section; or
 - (ii) criminal conversion under section 3 of this chapter; and
- (2) a Level 5 felony if:

(A) the value of the property is at least fifty thousand dollars (\$50,000); ~~or~~
 (B) the property that is the subject of the theft is a valuable metal (as defined in IC 25-37.5-1-1) and:

- (i) relates to transportation safety;
 - (ii) relates to public safety; or
 - (iii) is taken from a hospital or other health care facility, telecommunications provider, public utility (as defined in IC 32-24-1-5.9(a)), or key facility;
- and the absence of the property creates a substantial risk of bodily injury to a person; ~~or~~

(C) the property is a:

- (i) motor vehicle (as defined in IC 9-13-2-105(a));**
or
(ii) component part (as defined in IC 9-13-2-34) of a motor vehicle; and
the person has a prior unrelated conviction for theft of a motor vehicle (as defined in IC 9-13-2-105(a)) or theft of a component part (as defined in IC 9-13-2-34).

(b) For purposes of this section, "the value of property" means:

- (1) the fair market value of the property at the time and place the offense was committed; or
- (2) if the fair market value of the property cannot be satisfactorily determined, the cost to replace the property within a reasonable time after the offense was committed.

A price tag or price marking on property displayed or offered for sale constitutes prima facie evidence of the value of the property.

SECTION 7. IC 35-43-4-2.5 IS REPEALED [EFFECTIVE JULY 1, 2018]. ~~Sec. 2-5: (a) As used in this section, "motor vehicle" has the meaning set forth in IC 9-13-2-105(a).~~

~~(b) A person who knowingly or intentionally exerts unauthorized control over the motor vehicle of another person, with intent to deprive the owner of:~~

- ~~(1) the vehicle's value or use; or~~
- ~~(2) a component part (as defined in IC 9-13-2-34) of the vehicle;~~

~~commits auto theft, a Level 6 felony.~~

~~(c) A person who knowingly or intentionally receives, retains, or disposes of a motor vehicle or any part of a motor vehicle of another person that has been the subject of theft commits receiving stolen auto parts, a Level 6 felony. However, the offense is a Level 5 felony if the person has a prior conviction under this subsection or under subsection (b).~~

SECTION 8. IC 35-45-6-1, AS AMENDED BY HEA 1359-2018, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. (a) The definitions in this section apply throughout this chapter.

(b) "Documentary material" means any document, drawing, photograph, recording, or other tangible item containing compiled data from which information can be either obtained or translated into a usable form.

(c) "Enterprise" means:

- (1) a sole proprietorship, corporation, limited liability company, partnership, business trust, or governmental entity; or
- (2) a union, an association, or a group, whether a legal entity or merely associated in fact.

(d) "Pattern of racketeering activity" means engaging in at least two (2) incidents of racketeering activity that have the same or similar intent, result, accomplice, victim, or method of commission, or that are otherwise interrelated by distinguishing characteristics that are not isolated incidents. However, the incidents are a pattern of racketeering activity only if at least one

(1) of the incidents occurred after August 31, 1980, and if the last of the incidents occurred within five (5) years after a prior incident of racketeering activity.

(e) "Racketeering activity" means to commit, to attempt to commit, to conspire to commit a violation of, or aiding and abetting in a violation of any of the following:

- (1) A provision of IC 23-19, or of a rule or order issued under IC 23-19.
- (2) A violation of IC 35-45-9.
- (3) A violation of IC 35-47.
- (4) A violation of IC 35-49-3.
- (5) Murder (IC 35-42-1-1).
- (6) Battery as a Class C felony before July 1, 2014, or a Level 5 felony after June 30, 2014 (IC 35-42-2-1).
- (7) Kidnapping (IC 35-42-3-2).
- (8) Human and sexual trafficking crimes (IC 35-42-3.5).
- (9) Child exploitation (IC 35-42-4-4).
- (10) Robbery (IC 35-42-5-1).
- (11) Carjacking (IC 35-42-5-2) (before its repeal).
- (12) Arson (IC 35-43-1-1).
- (13) Burglary (IC 35-43-2-1).
- (14) Theft (IC 35-43-4-2).
- (15) Receiving stolen property (IC 35-43-4-2) **(before its amendment on July 1, 2018).**
- (16) Forgery (IC 35-43-5-2).
- (17) Fraud (IC 35-43-5-4(1) through IC 35-43-5-4(10)).
- (18) Bribery (IC 35-44.1-1-2).
- (19) Official misconduct (IC 35-44.1-1-1).
- (20) Conflict of interest (IC 35-44.1-1-4).
- (21) Perjury (IC 35-44.1-2-1).
- (22) Obstruction of justice (IC 35-44.1-2-2).
- (23) Intimidation (IC 35-45-2-1).
- (24) Promoting prostitution (IC 35-45-4-4).
- (25) Professional gambling (IC 35-45-5-3).
- (26) Maintaining a professional gambling site (IC 35-45-5-3.5(b)).
- (27) Promoting professional gambling (IC 35-45-5-4).
- (28) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).
- (29) Dealing in methamphetamine (IC 35-48-4-1.1).
- (30) Manufacturing methamphetamine (IC 35-48-4-1.2).
- (31) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
- (32) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
- (33) Dealing in a schedule V controlled substance (IC 35-48-4-4).
- (34) Dealing in marijuana, hash oil, hashish, or salvia (IC 35-48-4-10).
- (35) Money laundering (IC 35-45-15-5).
- (36) A violation of IC 35-47.5-5.
- (37) A violation of any of the following:
 - (A) IC 23-14-48-9.
 - (B) IC 30-2-9-7(b).
 - (C) IC 30-2-10-9(b).
 - (D) IC 30-2-13-38(f).
- (38) Practice of law by a person who is not an attorney (IC 33-43-2-1).
- (39) Dealing in a synthetic drug or synthetic drug lookalike substance (IC 35-48-4-10.5, or IC 35-48-4-10 before its amendment in 2013).
- (40) Dealing in a controlled substance resulting in death (IC 35-42-1-1.5).

(Reference is to EHB 1060 as reprinted March 6, 2018.)

MAHAN
 PORTER
 House Conferees

RUCKELSHAUS
 G. TAYLOR
 Senate Conferees

Roll Call 371: yeas 97, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT
EHB 1089-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1089 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 14-8-2-208, AS AMENDED BY P.L.106-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 208. "Political subdivision" has the following meaning:

- (1) For purposes of IC 14-12-1, the meaning set forth in IC 14-12-1-2.
- (2) For purposes of IC 14-13-2 **and IC 14-30-3**, the meaning set forth in IC 36-1-2-13.
- (3) For purposes of IC 14-32-8, the meaning set forth in IC 14-32-8-2.

SECTION 2. IC 14-8-2-304 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 304. (a) "Watercourse", for purposes of IC 14-25 through ~~IC 14-29~~, **IC 14-30**, means a channel that:

- (1) has defined banks;
- (2) is cut by erosion of running water through turf, soil, rock, or other material; and
- (3) has a bottom over which water flows for substantial periods of the year.

(b) The term includes the following:

- (1) The upstream and downstream parts of a watercourse that is lost in a swamp or a lake if the watercourse emerges from the swamp or lake in a well defined channel.
- (2) A watercourse that has been improved by confining the watercourse in an artificial channel.

SECTION 3. IC 14-30-3-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 3.5. As used in this chapter, "plan" refers to a plan described in section 26(1) of this chapter.**

SECTION 4. IC 14-30-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 8. The commission consists of the following individuals:

- (1) From each participating county the following:
 - (A) The executive of each second class city or the executive's designee.
 - (B) If the county does not have a second class city, the executive of the municipality with the largest population or the executive's designee.
- (2) A member of the county executive or the county executive's designee from each participating county.
- (3) The county health officer or the health officer's designee from each participating county.
- ~~(4) An individual appointed by the governor who is a member of the board of supervisors of a soil and water conservation district that contains a part of the basin within all or part of the district's boundaries.~~
- (4) The county surveyor of each participating county or the county surveyor's designee.**
- (5) A representative of each soil and water conservation district that:
 - (A) is subject to IC 14-32;
 - (B) includes territory in a participating county; and
 - (C) includes territory in the basin.
- ~~(5) (6) The director or the director's designee.~~

SECTION 5. IC 14-30-3-15 IS REPEALED [EFFECTIVE JULY 1, 2018]. ~~Sec. 15. (a) A majority of all the members of~~

~~the commission constitutes a quorum.~~

~~(b) An affirmative vote of a majority of the entire membership is required for the commission to take action.~~

SECTION 6. IC 14-30-3-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 19. The commission may do the following:

- (1) Provide a forum for the discussion, study, and evaluation of water resource issues of common concern in the basin.
- (2) Facilitate and foster cooperative planning and coordinated management of the basin's water and related land resources.
- (3) Develop positions on major water resource issues and serve as an advocate of the basin's interests before Congress and federal, state, and local governmental agencies.
- (4) Develop plans **and tools** to improve water quality **or mitigate flooding** in the basin.
- (5) Publicize, advertise, and distribute reports on the commission's purposes, objectives, studies, and findings.
- (6) When requested, make recommendations in matters related to the commission's functions and objectives to political subdivisions in the basin and to other public and private agencies.
- (7) When requested, act as a coordinating agency for programs and activities of other public and private agencies that are related to the commission's objectives.
- (8) Employ staff.**
- (9) Enter into contracts for the purposes of this chapter.**
- (10) Exercise the powers of a political subdivision specified in a cooperative agreement described in section 26 of this chapter.**

SECTION 7. IC 14-30-3-26 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 26. A political subdivision in a participating county may under IC 36-1-7 enter into a cooperative agreement with the commission and at least one**

- (1) other legal entity to authorize the commission to:**
- (1) develop a plan to improve water quality or mitigate flooding in the part of the basin that is described in the cooperative agreement;**
 - (2) exercise any of the other powers of the political subdivision to regulate watercourses in the basin; or**
 - (3) develop and promote good soil and water conservation practices and procedures.**

SECTION 8. IC 14-30-3-27 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 27. In developing a plan to improve water quality or mitigate flooding in the part of the basin described in a cooperative agreement entered into under section 26 of this chapter, the commission shall determine the best method and manner of improving water quality or mitigating flooding, giving consideration to the following:**

- (1) The increase infiltration method.**
- (2) The channel improvement method.**
- (3) The wetland restoration method.**
- (4) Flood plain regulation.**
- (5) All nonstructural methods.**

SECTION 9. IC 14-30-3-28 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 28. (a) The commission shall schedule a public meeting in accordance with IC 5-14-1.5 in each participating county containing a political subdivision that has entered into a cooperative agreement under section 26(1) of this chapter authorizing the commission to develop a plan. The purpose of the public meeting shall be to gain input regarding the development of the plan before the plan is implemented in accordance with**

this chapter.

(b) The commission shall do the following:

(1) At least ten (10) days before the public meeting in each participating county described in subsection (a), post a copy of the proposed plan on the commission's Internet web site or the Internet web site of the participating county (if the county maintains an Internet web site).

(2) Publish notice of each public meeting in a participating county described in subsection (a) in accordance with IC 5-3-1 at least ten (10) days before the public meeting.

(3) Include the following information in the notice described in subdivision (2):

(A) The date, time, and place of the meeting in each participating county described in subsection (a).

(B) A synopsis of the subject matter of the meeting.

(C) How an individual may obtain a copy of the proposed plan from the commission.

(D) That the public is encouraged to make comments at the meeting.

(c) At the meeting, the commission shall allow the public to be heard on the proposed plan.

SECTION 10. IC 14-30-3-29 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 29.** Before a plan is implemented by a political subdivision, the plan must be approved by the state in accordance with IC 14-25 through IC 14-29.

SECTION 11. IC 14-30-3-30 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 30.** The commission may adopt rules to do the following:

(1) Require that increased water runoff resulting from new construction be impounded on the construction site.

(2) Permit the requirement of onsite water impoundment under subdivision (1) to be waived upon payment of a reasonable fee by the developer of the new construction.

SECTION 12. IC 14-30-3-31 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 31.** (a) For the purposes of this chapter, the commission may do the following:

(1) Acquire by grant, gift, purchase, or devise, and dispose of, conservation easements under IC 32-23-5 in land within the one hundred (100) year flood plains and the wetlands in the basin.

(2) Acquire, by grant, gift, purchase, or devise, improvements within the one hundred (100) year flood plains of the basin for the purpose of removing those improvements.

(3) Adopt rules that restrict construction within the one hundred (100) year flood plains of the basin.

(4) Acquire, dispose of, hold, use, improve, maintain, operate, own, manage, or lease real or personal property by grant, gift, purchase, or devise.

(b) The commission may exercise the powers granted by this section as follows:

(1) For purposes of IC 32-23-5.

(2) To contribute to the following:

(A) Flood mitigation.

(B) Flood damage reduction.

(C) Improvements in water quality.

(D) Soil conservation.

SECTION 13. IC 14-30-3-32 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 32.** (a) The commission, the executive board, or employees or authorized representatives of the commission acting under this chapter

may:

(1) enter the land lying within the one hundred (100) year flood plain of any watercourse in the basin; and
(2) enter land lying outside the one hundred (100) year flood plain to gain access to land lying within the one hundred (100) year flood plain in the basin;

if necessary to investigate, examine, or survey the land or investigate suspected violations of the Indiana flood control laws.

(b) The commission must give twenty-one (21) days written notice to:

(1) an owner of the affected land;

(2) a contract purchaser of the affected land; or

(3) if the land is municipal property (as described in IC 6-1.1-10-5(a)), the executive of the municipality; before exercising the right to enter land under this section. The notice must state the purpose of the entry and that there is a right of appeal under this section.

(c) A person described in subsection (b)(1) through (b)(3) may, within the twenty-one (21) day notice period required by subsection (b), appeal the proposed entry under subsection (a) to the commission on the grounds that the proposed entry is not necessary. If a person appeals under this subsection, the commission shall hold a hearing on the necessity of the entry before the right of entry is exercised.

(d) A person entering land under this section must use due care to avoid damage to crops or to fences, buildings, and other structures.

(e) Neither the commission, the executive board, nor employees or authorized representatives of the commission acting under this chapter commits criminal trespass under IC 35-43-2-2 by entering land described in subsection (a) for a purpose set forth in subsection (a).

(Reference is to EHB 1089 as reprinted February 27, 2018.)

OBER	GLICK
DVORAK	NIEZGODSKI
House Conferees	Senate Conferees

Roll Call 372: yeas 97, nays 0. Report adopted.

Representative VanNatter, who had been excused, is now present.

CONFERENCE COMMITTEE REPORT EHB 1227-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1227 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 15-16-2-36, AS AMENDED BY P.L.165-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 36.** (a) Notwithstanding any other law, all excess funds accumulated from the fees collected by:

(1) the state chemist, under this chapter, IC 15-15-2, IC 15-16-4, **IC 15-16-5**, and IC 15-19-7; and

(2) the state seed commissioner under IC 15-15-1 and IC 15-15-13;

shall be paid to the treasurer of Purdue University. The funds shall be administered by the board of trustees of Purdue University.

(b) On approval of the governor and the budget agency, the board of trustees may spend the excess funds for the construction, operation, rehabilitation, and repair of buildings,

structures, or other facilities used for:

- (1) carrying out the purposes of those chapters referred to in subsection (a) under which the fees are collected; or
- (2) the agricultural programs authorized by law and in support of the purposes of the chapters referred to in subsection (a).

SECTION 2. IC 15-16-5-61, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 61. (a) All fees collected by the state chemist under this chapter shall be paid to Purdue University and deposited in a special restricted account designated by the treasurer of the board of trustees of Purdue University.

(b) From the account described in subsection (a), the treasurer shall pay from the special restricted account the expenses incurred in administering this chapter, including expenses for the following:

- (1) The employment of:
 - (A) inspectors;
 - (B) investigators;
 - (C) researchers;
 - (D) analysts;
 - (E) administrators; and
 - (F) clerical and service staff.
- (2) Conducting and reporting inspections and investigations.
- (3) Purchasing supplies and services.
- (4) Providing necessary facilities and remodeling.
- (5) Any other expense of the office of the state chemist.

The treasurer is not required to use any other funds, except those collected under this chapter, to defray any expenses incurred in the administration of this chapter.

(c) The dean of agriculture of Purdue University shall make an annual financial report to the governor showing total receipts and expenditures of all fees received under this chapter.

(d) Fee revenue remaining in the account described in subsection (a) after payment of the expenses described in subsection (b) is subject to IC 15-16-2-36."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1227 as printed February 20, 2018.)

BAIRD	GLICK
DELANEY	MRVAN
House Conferees	Senate Conferees

Roll Call 373: yeas 98, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT EHB 1270-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1270 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 2-5-36-9, AS AMENDED BY P.L.13-2017, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. The commission shall do the following:

- (1) Study and evaluate the following:
 - (A) Access to services for vulnerable youth.
 - (B) Availability of services for vulnerable youth.
 - (C) Duplication of services for vulnerable youth.
 - (D) Funding of services available for vulnerable youth.
 - (E) Barriers to service for vulnerable youth.
 - (F) Communication and cooperation by agencies

concerning vulnerable youth.

(G) Implementation of programs or laws concerning vulnerable youth.

(H) The consolidation of existing entities that serve vulnerable youth.

(I) Data from state agencies relevant to evaluating progress, targeting efforts, and demonstrating outcomes.

(J) Crimes of sexual violence against children.

(K) The impact of social networking web sites, cellular telephones and wireless communications devices, digital media, and new technology on crimes against children.

(2) Review and make recommendations concerning pending legislation.

(3) Promote information sharing concerning vulnerable youth across the state.

(4) Promote best practices, policies, and programs.

(5) Cooperate with:

- (A) other child focused commissions;
- (B) the judicial branch of government;
- (C) the executive branch of government;
- (D) stakeholders; and
- (E) members of the community.

(6) Submit a report not later than July 1 of each year regarding the commission's work during the previous year. The report shall be submitted to the legislative council, the governor, and the chief justice of Indiana. The report to the legislative council must be in an electronic format under IC 5-14-6.

(7) Study the topic of what specific authority a law enforcement officer has in order to take custody of or detain a child in certain situations where the officer believes a child may be a victim of human trafficking (as defined in IC 35-42-3.5-0.5) and who is potentially a child in need of services. This subdivision expires November 2, 2018.

SECTION 2. IC 4-6-2-12, AS ADDED BY P.L.162-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 12. (a) The attorney general has the same authority as a law enforcement agency (as defined in IC 35-47-15-2) to:

- (1) access (as defined in IC 35-43-2-3); and
- (2) maintain;

information regarding a violation of IC 35-42-3.5-1 **through IC 35-42-3.5-1.4** (human trafficking).

(b) The attorney general may assist with the investigation and prosecution of an alleged violation of IC 35-42-3.5-1 **through IC 35-42-3.5-1.4** (human trafficking). However, the attorney general does not have the power to arrest or criminally prosecute individuals for a violation of IC 35-42-3.5-1 **through IC 35-42-3.5-1.4**.

SECTION 3. IC 11-8-8-4.5, AS AMENDED BY P.L.13-2016, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4.5. (a) Except as provided in section 22 of this chapter, as used in this chapter, "sex offender" means a person convicted of any of the following offenses:

- (1) Rape (IC 35-42-4-1).
- (2) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
- (3) Child molesting (IC 35-42-4-3).
- (4) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).
- (5) Vicarious sexual gratification (including performing sexual conduct in the presence of a minor) (IC 35-42-4-5).
- (6) Child solicitation (IC 35-42-4-6).
- (7) Child seduction (IC 35-42-4-7).
- (8) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A, Class B, or Class C felony (for a crime

committed before July 1, 2014) or a Level 1, Level 2, Level 4, or Level 5 felony (for a crime committed after June 30, 2014), unless:

- (A) the person is convicted of sexual misconduct with a minor as a Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014);
- (B) the person is not more than:
 - (i) four (4) years older than the victim if the offense was committed after June 30, 2007; or
 - (ii) five (5) years older than the victim if the offense was committed before July 1, 2007; and
- (C) the sentencing court finds that the person should not be required to register as a sex offender.

(9) Incest (IC 35-46-1-3).

(10) Sexual battery (IC 35-42-4-8).

(11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age, and the person who kidnapped the victim is not the victim's parent or guardian.

(12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age, and the person who confined or removed the victim is not the victim's parent or guardian.

(13) Possession of child pornography (IC 35-42-4-4(d) or IC 35-42-4-4(e)).

(14) Promoting prostitution (IC 35-45-4-4) as a Class B felony (for a crime committed before July 1, 2014) or a Level 4 felony (for a crime committed after June 30, 2014).

(15) Promotion of human **sexual** trafficking under ~~IC 35-42-3.5-1(a)(2)~~ **IC 35-42-3.5-1.1**.

(16) Promotion of **human child sexual** trafficking of a **minor** under ~~IC 35-42-3.5-1(b)(1)(B) or IC 35-42-3.5-1(b)(2)~~ **IC 35-42-3.5-1.2(a)**.

(17) **Promotion of sexual trafficking of a younger child (IC 35-42-3.5-1.2(c)).**

~~(17) (18) Child sexual trafficking of a minor (IC 35-42-3.5-1(c)). (IC 35-42-3.5-1.3).~~

~~(18) (19) Human trafficking under IC 35-42-3.5-1(d)(3) IC 35-42-3.5-1.4~~ if the victim is less than eighteen (18) years of age.

~~(19) (20) Sexual misconduct by a service provider with a detained or supervised child (IC 35-44.1-3-10(c)).~~

~~(20) (21) An attempt or conspiracy to commit a crime listed in this subsection.~~

~~(21) (22) A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in this subsection.~~

(b) The term includes:

(1) a person who is required to register as a sex offender in any jurisdiction; and

(2) a child who has committed a delinquent act and who:

- (A) is at least fourteen (14) years of age;
- (B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and
- (C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

(c) In making a determination under subsection (b)(2)(C), the court shall consider expert testimony concerning whether a child is likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

SECTION 4. IC 11-8-8-5, AS AMENDED BY P.L.13-2016,

SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5. (a) Except as provided in section 22 of this chapter, as used in this chapter, "sex or violent offender" means a person convicted of any of the following offenses:

(1) Rape (IC 35-42-4-1).

(2) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).

(3) Child molesting (IC 35-42-4-3).

(4) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).

(5) Vicarious sexual gratification (including performing sexual conduct in the presence of a minor) (IC 35-42-4-5).

(6) Child solicitation (IC 35-42-4-6).

(7) Child seduction (IC 35-42-4-7).

(8) Sexual misconduct with a minor (IC 35-42-4-9) as a Class A, Class B, or Class C felony (for a crime committed before July 1, 2014) or a Level 1, Level 2, Level 4, or Level 5 felony (for a crime committed after June 30, 2014), unless:

- (A) the person is convicted of sexual misconduct with a minor as a Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014);
- (B) the person is not more than:

- (i) four (4) years older than the victim if the offense was committed after June 30, 2007; or
- (ii) five (5) years older than the victim if the offense was committed before July 1, 2007; and

- (C) the sentencing court finds that the person should not be required to register as a sex offender.

(9) Incest (IC 35-46-1-3).

(10) Sexual battery (IC 35-42-4-8).

(11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age, and the person who kidnapped the victim is not the victim's parent or guardian.

(12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age, and the person who confined or removed the victim is not the victim's parent or guardian.

(13) Possession of child pornography (IC 35-42-4-4(d) or IC 35-42-4-4(e)).

(14) Promoting prostitution (IC 35-45-4-4) as a Class B felony (for a crime committed before July 1, 2014) or a Level 4 felony (for a crime committed after June 30, 2014).

(15) Promotion of human **sexual** trafficking under ~~IC 35-42-3.5-1(a)(2)~~ **IC 35-42-3.5-1.1**.

(16) Promotion of **human child sexual** trafficking of a **minor** under ~~IC 35-42-3.5-1(b)(1)(B) or IC 35-42-3.5-1(b)(2)~~ **IC 35-42-3.5-1.2(a)**.

(17) **Promotion of sexual trafficking of a younger child (IC 35-42-3.5-1.2(c)).**

~~(17) (18) Child sexual trafficking of a minor (IC 35-42-3.5-1(c)). (IC 35-42-3.5-1.3).~~

~~(18) (19) Human trafficking under IC 35-42-3.5-1(d)(3) IC 35-42-3.5-1.4~~ if the victim is less than eighteen (18) years of age.

~~(19) (20) Murder (IC 35-42-1-1).~~

~~(20) (21) Voluntary manslaughter (IC 35-42-1-3).~~

~~(21) (22) Sexual misconduct by a service provider with a detained or supervised child (IC 35-44.1-3-10(c)).~~

~~(22) (23) An attempt or conspiracy to commit a crime listed in this subsection.~~

~~(23) (24) A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in this subsection.~~

(b) The term includes:

- (1) a person who is required to register as a sex or violent offender in any jurisdiction; and

- (2) a child who has committed a delinquent act and who:
 - (A) is at least fourteen (14) years of age;
 - (B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and
 - (C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

(c) In making a determination under subsection (b)(2)(C), the court shall consider expert testimony concerning whether a child is likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

SECTION 5. IC 31-9-2-133.1, AS AMENDED BY P.L.86-2017, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 133.1. "Victim of human or sexual trafficking", for purposes of IC 31-34-1-3.5, refers to a child who is recruited, harbored, transported, or engaged in:

- (1) forced labor;
- (2) involuntary servitude;
- (3) prostitution;
- (4) juvenile prostitution, as defined in IC 35-31.5-2-178.5;
- (5) child exploitation, as defined in IC 35-42-4-4(b);
- (6) marriage, unless authorized by a court under IC 31-11-1-6; ~~or~~
- (7) trafficking for the purpose of prostitution, juvenile prostitution, or participation in sexual conduct as defined in IC 35-42-4-4(a)(4); ~~or~~
- (8) **human trafficking as defined in IC 35-42-3.5-0.5.**

SECTION 6. IC 31-34-1-3, AS AMENDED BY P.L.183-2017, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. (a) A child is a child in need of services if, before the child becomes eighteen (18) years of age:

- (1) the child is the victim of an offense under:

- (A) IC 35-42-4-1;
- (B) IC 35-42-4-2 (before its repeal);
- (C) IC 35-42-4-3;
- (D) IC 35-42-4-4;
- (E) IC 35-42-4-5;
- (F) IC 35-42-4-6;
- (G) IC 35-42-4-7;
- (H) IC 35-42-4-8;
- (I) IC 35-42-4-9;
- (J) IC 35-45-4-1;
- (K) IC 35-45-4-2;
- (L) IC 35-45-4-3;
- (M) IC 35-45-4-4;
- (N) IC 35-46-1-3; or

(O) the law of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in clauses (A) through (N); and

- (2) the child needs care, treatment, or rehabilitation that:
 - (A) the child is not receiving; and
 - (B) is unlikely to be provided or accepted without the coercive intervention of the court.

(b) A child is a child in need of services if, before the child becomes eighteen (18) years of age, the child:

- (1) lives in the same household as an adult who:
 - (A) committed an offense described in subsection (a)(1) against a child and the offense resulted in a conviction or a judgment under IC 31-34-11-2; or
 - (B) has been charged with an offense described in subsection (a)(1) against a child and is awaiting trial;

and

- (2) needs care, treatment, or rehabilitation that:

- (A) the child is not receiving; and
- (B) is unlikely to be provided or accepted without the coercive intervention of the court.

(c) A child is a child in need of services if, before the child becomes eighteen (18) years of age:

- (1) the child lives in the same household as another child who is the victim of an offense described in subsection (a)(1);
- (2) the child needs care, treatment, or rehabilitation that:
 - (A) the child is not receiving; and
 - (B) is unlikely to be provided or accepted without the coercive intervention of the court; and
- (3) a caseworker assigned to provide services to the child:
 - (A) places the child in a program of informal adjustment or other family or rehabilitative services based on the existence of the circumstances described in subdivisions (1) and (2), and the caseworker subsequently determines further intervention is necessary; or
 - (B) determines that a program of informal adjustment or other family or rehabilitative services is inappropriate.

(d) A child is a child in need of services if, before the child becomes eighteen (18) years of age:

- (1) the child lives in the same household as an adult who:
 - (A) committed a human or sexual trafficking offense under IC 35-42-3.5-1 **through IC 35-42-3.5-1.4** or the law of another jurisdiction, including federal law, that resulted in a conviction or a judgment under IC 31-34-11-2; or
 - (B) has been charged with a human or sexual trafficking offense under IC 35-42-3.5-1 **through IC 35-42-3.5-1.4** or the law of another jurisdiction, including federal law, and is awaiting trial; and
- (2) the child needs care, treatment, or rehabilitation that:
 - (A) the child is not receiving; and
 - (B) is unlikely to be provided or accepted without the coercive intervention of the court.

SECTION 7. IC 31-34-21-5.6, AS AMENDED BY P.L.46-2016, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5.6. Except as provided in subsection (c), a court may make a finding described in this section at any phase of a child in need of services proceeding.

(b) Reasonable efforts to reunify a child with the child's parent, guardian, or custodian or preserve a child's family as described in section 5.5 of this chapter are not required if the court finds any of the following:

- (1) A parent, guardian, or custodian of a child who is a child in need of services has been convicted of:

- (A) an offense described in IC 31-35-3-4(1)(B) or IC 31-35-3-4(1)(D) through IC 31-35-3-4(1)(J) against a victim who is:

- (i) a child described in IC 31-35-3-4(2); or
- (ii) a parent of the child; or

(B) a comparable offense as described in clause (A) in any other state, territory, or country by a court of competent jurisdiction.

- (2) A parent, guardian, or custodian of a child who is a child in need of services:

- (A) has been convicted of:

- (i) the murder (IC 35-42-1-1) or voluntary manslaughter (IC 35-42-1-3) of a victim who is a child described in IC 31-35-3-4(2)(B) or a parent of the child; or
- (ii) a comparable offense described in item (i) in any other state, territory, or country; or

(B) has been convicted of:

- (i) aiding, inducing, or causing another person;
 - (ii) attempting; or
 - (iii) conspiring with another person;
- to commit an offense described in clause (A).
- (3) A parent, guardian, or custodian of a child who is a child in need of services has been convicted of:
- (A) battery as a Class A felony (for a crime committed before July 1, 2014) or Level 2 felony (for a crime committed after June 30, 2014);
 - (B) battery as a Class B felony (for a crime committed before July 1, 2014) or Level 3 or Level 4 felony (for a crime committed after June 30, 2014);
 - (C) battery as a Class C felony (for a crime committed before July 1, 2014) or Level 5 felony (for a crime committed after June 30, 2014);
 - (D) aggravated battery (IC 35-42-2-1.5);
 - (E) criminal recklessness (IC 35-42-2-2) as a Class C felony (for a crime committed before July 1, 2014) or a Level 5 felony (for a crime committed after June 30, 2014);
 - (F) neglect of a dependent (IC 35-46-1-4) as a Class B felony (for a crime committed before July 1, 2014) or a Level 1 or Level 3 felony (for a crime committed after June 30, 2014);
 - (G) promotion of human **labor** trafficking, promotion of human **sexual** trafficking, ~~of a minor, sexual trafficking of a minor, promotion of child sexual trafficking, promotion of sexual trafficking of a younger child, child sexual trafficking,~~ or human trafficking ~~(IC 35-42-3.5-1)~~ **(IC 35-42-3.5-1 through IC 35-42-3.5-1.4)** as a felony; or
 - (H) a comparable offense described in clauses (A) through (G) under federal law or in another state, territory, or country;
- against a child described in IC 31-35-3-4(2)(B).
- (4) The parental rights of a parent with respect to a biological or adoptive sibling of a child who is a child in need of services have been involuntarily terminated by a court under:
- (A) IC 31-35-2 (involuntary termination involving a delinquent child or a child in need of services);
 - (B) IC 31-35-3 (involuntary termination involving an individual convicted of a criminal offense); or
 - (C) any comparable law described in clause (A) or (B) in any other state, territory, or country.
- (5) The child is an abandoned infant, provided that the court:
- (A) has appointed a guardian ad litem or court appointed special advocate for the child; and
 - (B) after receiving a written report and recommendation from the guardian ad litem or court appointed special advocate, and after a hearing, finds that reasonable efforts to locate the child's parents or reunify the child's family would not be in the best interests of the child.
- (c) During or at any time after the first periodic case review under IC 31-34-21-2 of a child in need of services proceeding, if the court finds that a parent, guardian, or custodian of the child has been charged with an offense described in subsection (b)(3) and is awaiting trial, the court may make a finding that reasonable efforts to reunify the child with the child's parent, guardian, or custodian or preserve the child's family as described in section 5.5 of this chapter may be suspended pending the disposition of the parent's, guardian's, or custodian's criminal charge.
- SECTION 8. IC 32-30-7-1, AS AMENDED BY P.L.237-2015, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. As used in this chapter, "indecent nuisance" means a:
- (1) place in or upon which prostitution (as described in IC 35-45-4);

- (2) public place in or upon which other sexual conduct (as defined in IC 35-31.5-2-221.5) or sexual intercourse (as defined in IC 35-31.5-2-302);
 - (3) public place in or upon which the fondling of the genitals of a person; or
 - (4) public place in or upon which human trafficking (as described in IC 35-42-3.5-1 **through IC 35-42-3.5-1.4**);
- is conducted, permitted, continued, or exists, and the personal property and contents used in conducting and maintaining the place for such a purpose.

SECTION 9. IC 32-30-7-24.5, AS ADDED BY P.L.237-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 24.5. Money collected under this chapter concerning a public place in or upon which human trafficking (as described in IC 35-42-3.5-1 **through IC 35-42-3.5-1.4**) is conducted, permitted, continued, or exists, and the personal property and contents used in conducting and maintaining the place for such a purpose shall be distributed as follows:

- (1) Eighty percent (80%) of the money collected shall be deposited in the human trafficking prevention and victim assistance fund established by IC 5-2-6-25, to be used for the purposes of the fund.
 - (2) Twenty percent (20%) of the money collected shall be transferred to the county auditor for deposit in the county general fund. Money deposited in the county general fund under this subdivision may only be appropriated to the prosecuting attorney to defray expenses incurred in the:
 - (A) collection of the funds; and
 - (B) investigation or prosecution of human trafficking.
- SECTION 10. IC 33-37-5-23, AS AMENDED BY P.L.13-2016, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 23. (a) This section applies to criminal actions.
- (b) The court shall assess a sexual assault victims assistance fee of at least five hundred dollars (\$500) and not more than five thousand dollars (\$5,000) against an individual convicted in Indiana of any of the following offenses:
- (1) Rape (IC 35-42-4-1).
 - (2) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
 - (3) Child molesting (IC 35-42-4-3).
 - (4) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).
 - (5) Vicarious sexual gratification (IC 35-42-4-5).
 - (6) Child solicitation (IC 35-42-4-6).
 - (7) Child seduction (IC 35-42-4-7).
 - (8) Sexual battery (IC 35-42-4-8).
 - (9) Sexual misconduct with a minor as a Class A or Class B felony (for a crime committed before July 1, 2014) or a Level 1 felony or Level 4 felony (for a crime committed after June 30, 2014) (IC 35-42-4-9).
 - (10) Incest (IC 35-46-1-3).
 - (11) Promotion of human **labor** trafficking ~~(IC 35-42-3.5-1(a))~~ **(IC 35-42-3.5-1)**.
 - (12) Promotion of human sexual trafficking (IC 35-42-3.5-1.1).**
 - ~~(12) (13) Promotion of human child sexual trafficking of a minor (IC 35-42-3.5-1(b))~~ **(IC 35-42-3.5-1.2(a)).**
 - (14) Promotion of sexual trafficking of a younger child (IC 35-42-3.5-1.2(c)).**
 - ~~(13) (15) Child sexual trafficking of a minor (IC 35-42-3.5-1(c))~~ **(IC 35-42-3.5-1.3).**
 - ~~(14) (16) Human trafficking (IC 35-42-3.5-1(d))~~ **(IC 35-42-3.5-1.4).**
- SECTION 11. IC 34-24-1-1, AS AMENDED BY P.L.252-2017, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. (a) The following may be seized:
- (1) All vehicles (as defined by IC 35-31.5-2-346), if they

are used or are intended for use by the person or persons in possession of them to transport or in any manner to facilitate the transportation of the following:

- (A) A controlled substance for the purpose of committing, attempting to commit, or conspiring to commit any of the following:
 - (i) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).
 - (ii) Dealing in methamphetamine (IC 35-48-4-1.1).
 - (iii) Manufacturing methamphetamine (IC 35-48-4-1.2).
 - (iv) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
 - (v) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
 - (vi) Dealing in a schedule V controlled substance (IC 35-48-4-4).
 - (vii) Dealing in a counterfeit substance (IC 35-48-4-5).
 - (viii) Possession of cocaine or a narcotic drug (IC 35-48-4-6).
 - (ix) Possession of methamphetamine (IC 35-48-4-6.1).
 - (x) Dealing in paraphernalia (IC 35-48-4-8.5).
 - (xi) Dealing in marijuana, hash oil, hashish, or salvia (IC 35-48-4-10).
 - (xii) Dealing in a synthetic drug or synthetic drug lookalike substance (IC 35-48-4-10.5, or IC 35-48-4-10 before its amendment in 2013).
- (B) Any stolen (IC 35-43-4-2) or converted property (IC 35-43-4-3) if the retail or repurchase value of that property is one hundred dollars (\$100) or more.
- (C) Any hazardous waste in violation of IC 13-30-10-1.5.
- (D) A bomb (as defined in IC 35-31.5-2-31) or weapon of mass destruction (as defined in IC 35-31.5-2-354) used to commit, used in an attempt to commit, or used in a conspiracy to commit an offense under IC 35-47 as part of or in furtherance of an act of terrorism (as defined by IC 35-31.5-2-329).
- (2) All money, negotiable instruments, securities, weapons, communications devices, or any property used to commit, used in an attempt to commit, or used in a conspiracy to commit an offense under IC 35-47 as part of or in furtherance of an act of terrorism or commonly used as consideration for a violation of IC 35-48-4 (other than items subject to forfeiture under IC 16-42-20-5 or IC 16-6-8.5-5.1, before its repeal):
 - (A) furnished or intended to be furnished by any person in exchange for an act that is in violation of a criminal statute;
 - (B) used to facilitate any violation of a criminal statute; or
 - (C) traceable as proceeds of the violation of a criminal statute.
- (3) Any portion of real or personal property purchased with money that is traceable as a proceed of a violation of a criminal statute.
- (4) A vehicle that is used by a person to:
 - (A) commit, attempt to commit, or conspire to commit;
 - (B) facilitate the commission of; or
 - (C) escape from the commission of;
 murder (IC 35-42-1-1), kidnapping (IC 35-42-3-2), criminal confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense under IC 35-47 as part of or in furtherance of an act of terrorism.
- (5) Real property owned by a person who uses it to commit any of the following as a Level 1, Level 2, Level 3, Level 4, or Level 5 felony:

- (A) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).
- (B) Dealing in methamphetamine (IC 35-48-4-1.1).
- (C) Manufacturing methamphetamine (IC 35-48-4-1.2).
- (D) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
- (E) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
- (F) Dealing in marijuana, hash oil, hashish, or salvia (IC 35-48-4-10).
- (G) Dealing in a synthetic drug or synthetic drug lookalike substance (IC 35-48-4-10.5, or IC 35-48-4-10 before its amendment in 2013).
- (6) Equipment and recordings used by a person to commit fraud under IC 35-43-5-4(10).
- (7) Recordings sold, rented, transported, or possessed by a person in violation of IC 24-4-10.
- (8) Property (as defined by IC 35-31.5-2-253) or an enterprise (as defined by IC 35-45-6-1) that is the object of a corrupt business influence violation (IC 35-45-6-2).
- (9) Unlawful telecommunications devices (as defined in IC 35-45-13-6) and plans, instructions, or publications used to commit an offense under IC 35-45-13.
- (10) Any equipment, including computer equipment and cellular telephones, used for or intended for use in preparing, photographing, recording, videotaping, digitizing, printing, copying, or disseminating matter in violation of IC 35-42-4.
- (11) Destructive devices used, possessed, transported, or sold in violation of IC 35-47.5.
- (12) Tobacco products that are sold in violation of IC 24-3-5, tobacco products that a person attempts to sell in violation of IC 24-3-5, and other personal property owned and used by a person to facilitate a violation of IC 24-3-5.
- (13) Property used by a person to commit counterfeiting or forgery in violation of IC 35-43-5-2.
- (14) After December 31, 2005, if a person is convicted of an offense specified in IC 25-26-14-26(b) or IC 35-43-10, the following real or personal property:
 - (A) Property used or intended to be used to commit, facilitate, or promote the commission of the offense.
 - (B) Property constituting, derived from, or traceable to the gross proceeds that the person obtained directly or indirectly as a result of the offense.
- (15) Except as provided in subsection (e), a vehicle used by a person who operates the vehicle:
 - (A) while intoxicated, in violation of IC 9-30-5-1 through IC 9-30-5-5, if in the previous five (5) years the person has two (2) or more prior unrelated convictions:
 - (i) for operating a motor vehicle while intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5; or
 - (ii) for an offense that is substantially similar to IC 9-30-5-1 through IC 9-30-5-5 in another jurisdiction; or
 - (B) on a highway while the person's driving privileges are suspended in violation of IC 9-24-19-2 through IC 9-24-19-3, if in the previous five (5) years the person has two (2) or more prior unrelated convictions:
 - (i) for operating a vehicle while intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5; or
 - (ii) for an offense that is substantially similar to IC 9-30-5-1 through IC 9-30-5-5 in another jurisdiction.

If a court orders the seizure of a vehicle under this subdivision, the court shall transmit an order to the bureau of motor vehicles recommending that the bureau not permit a vehicle to be registered in the name of the person whose vehicle was seized until the person possesses a

current driving license (as defined in IC 9-13-2-41).

(16) The following real or personal property:

(A) Property used or intended to be used to commit, facilitate, or promote the commission of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or IC 30-2-13-38(f).

(B) Property constituting, derived from, or traceable to the gross proceeds that a person obtains directly or indirectly as a result of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or IC 30-2-13-38(f).

(17) An automated sales suppression device (as defined in IC 35-43-5-4.6(a)(1)) or phantom-ware (as defined in IC 35-43-5-4.6(a)(3)).

(18) Real or personal property, including a vehicle, that is used by a person to:

(A) commit, attempt to commit, or conspire to commit;

(B) facilitate the commission of; or

(C) escape from the commission of;

a violation of IC 35-42-3.5-1 **through IC 35-42-3.5-1.4** (human trafficking) or IC 35-45-4-4 (promoting prostitution).

(b) A vehicle used by any person as a common or contract carrier in the transaction of business as a common or contract carrier is not subject to seizure under this section, unless it can be proven by a preponderance of the evidence that the owner of the vehicle knowingly permitted the vehicle to be used to engage in conduct that subjects it to seizure under subsection (a).

(c) Equipment under subsection (a)(10) may not be seized unless it can be proven by a preponderance of the evidence that the owner of the equipment knowingly permitted the equipment to be used to engage in conduct that subjects it to seizure under subsection (a)(10).

(d) Money, negotiable instruments, securities, weapons, communications devices, or any property commonly used as consideration for a violation of IC 35-48-4 found near or on a person who is committing, attempting to commit, or conspiring to commit any of the following offenses shall be admitted into evidence in an action under this chapter as prima facie evidence that the money, negotiable instrument, security, or other thing of value is property that has been used or was to have been used to facilitate the violation of a criminal statute or is the proceeds of the violation of a criminal statute:

(1) IC 35-48-4-1 (dealing in or manufacturing cocaine or a narcotic drug).

(2) IC 35-48-4-1.1 (dealing in methamphetamine).

(3) IC 35-48-4-1.2 (manufacturing methamphetamine).

(4) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled substance).

(5) IC 35-48-4-3 (dealing in a schedule IV controlled substance).

(6) IC 35-48-4-4 (dealing in a schedule V controlled substance) as a Level 4 felony.

(7) IC 35-48-4-6 (possession of cocaine or a narcotic drug) as a Level 3, Level 4, or Level 5 felony.

(8) IC 35-48-4-6.1 (possession of methamphetamine) as a Level 3, Level 4, or Level 5 felony.

(9) IC 35-48-4-10 (dealing in marijuana, hash oil, hashish, or salvia) as a Level 5 felony.

(10) IC 35-48-4-10.5 (dealing in a synthetic drug or synthetic drug lookalike substance) as a Level 5 felony or Level 6 felony (or as a Class C felony or Class D felony under IC 35-48-4-10 before its amendment in 2013).

(e) A vehicle operated by a person who is not:

(1) an owner of the vehicle; or

(2) the spouse of the person who owns the vehicle;

is not subject to seizure under subsection (a)(15) unless it can be proven by a preponderance of the evidence that the owner of the vehicle knowingly permitted the vehicle to be used to engage in conduct that subjects it to seizure under subsection (a)(15).

SECTION 12. IC 35-31.5-2-161.3 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 161.3. "Human trafficking" has the meaning set forth in IC 35-42-3.5-0.5.**

SECTION 13. IC 35-31.5-2-161.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 161.5. "Human trafficking victim" has the meaning set forth in IC 35-42-3.5-0.5.**

SECTION 14. IC 35-31.5-2-183, AS AMENDED BY P.L.162-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 183. (a) "Law enforcement agency," for purposes of receiving information concerning a violation of IC 35-42-3.5-1 **through IC 35-42-3.5-1.4** (human trafficking), means:

(1) an agency or department of:

(A) the state; or

(B) a political subdivision of the state;

whose principal function is the apprehension of criminal offenders; and

(2) the attorney general.

(b) "Law enforcement agency", for purposes of IC 35-47-15, has the meaning set forth in IC 35-47-15-2.

SECTION 15. IC 35-31.5-2-300, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 300. (a) "Sexual conduct", for purposes of **IC 35-42-3.5-0.5 and IC 35-42-4-4**, has the meaning set forth in IC 35-42-4-4(a).

(b) "Sexual conduct", for purposes of IC 35-49, has the meaning set forth in IC 35-49-1-9.

SECTION 16. IC 35-32-2-3, AS AMENDED BY P.L.173-2006, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. (a) A person who commits the offense of:

(1) kidnapping;

(2) criminal confinement;

(3) **promotion of human labor** trafficking;

(4) promotion of human **sexual** trafficking; **or**

(5) **promotion of child** sexual trafficking; **of a minor;**

(6) **promotion of sexual trafficking of a younger child;**

(7) **child sexual trafficking; or**

(8) **human trafficking;**

may be tried in a county in which the victim has traveled or has been confined during the course of the offense.

(b) A person who commits the offense of criminal confinement or interference with custody may be tried in a county in which the child who was removed, taken, concealed, or detained in violation of a child custody order:

(1) was a legal resident at the time of the taking, concealment, or detention;

(2) was taken, detained, or concealed; or

(3) was found.

SECTION 17. IC 35-37-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. (a) In a prosecution for ~~a sex crime as defined in IC 35-42-4~~: **an offense described in IC 11-8-8-4.5(a):**

(1) evidence of the victim's past sexual conduct;

(2) evidence of the past sexual conduct of a witness other than the accused;

(3) opinion evidence of the victim's past sexual conduct;

(4) opinion evidence of the past sexual conduct of a witness other than the accused;

(5) reputation evidence of the victim's past sexual conduct; and

(6) reputation evidence of the past sexual conduct of a witness other than the accused;

may not be admitted, nor may reference be made to this evidence in the presence of the jury, except as provided in this chapter.

(b) Notwithstanding subsection (a), evidence:

- (1) of the victim's or a witness's past sexual conduct with the defendant;
- (2) which in a specific instance of sexual activity shows that some person other than the defendant committed the act upon which the prosecution is founded; or
- (3) that the victim's pregnancy at the time of trial was not caused by the defendant;

may be introduced if the judge finds, under the procedure provided in subsection (c), ~~of this section~~, that it is material to a fact at issue in the case and that its inflammatory or prejudicial nature does not outweigh its probative value.

(c) If the defendant or the state proposes to offer evidence described in subsection (b), ~~of this section~~, the following procedure must be followed:

- (1) The defendant or the state shall file a written motion not less than ten (10) days before trial stating that it has an offer of proof concerning evidence described in subsection (b) and its relevancy to the case. This motion shall be accompanied by an affidavit in which the offer of proof is stated.
- (2) If the court finds that the offer of proof is sufficient, the court shall order a hearing out of the presence of the jury, and at the hearing allow the questioning of the victim or witness regarding the offer of proof made by the defendant or the state.

At the conclusion of the hearing, if the court finds that evidence proposed to be offered by the defendant or the state regarding the sexual conduct of the victim or witness is admissible under subsection (b), ~~of this section~~, the court shall make an order stating what evidence may be introduced by the defendant or the state and the nature of the questions to be permitted. The defendant or the state may then offer evidence under the order of the court.

(d) If new information is discovered within ten (10) days before trial or during the course of the trial that might make evidence described in subsection (b) ~~of this chapter~~ admissible, the judge shall order a hearing out of the presence of the jury to determine whether the proposed evidence is admissible under this chapter.

(e) This section does not limit the right of either the state or the accused to impeach credibility by a showing of prior felony convictions.

(f) If:

- (1) a defendant files a motion under subsection (c)(1) concerning evidence described in subsection (b)(3); and
- (2) the state acknowledges that the victim's pregnancy is not due to the conduct of the defendant;

the court shall instruct the jury that the victim's pregnancy is not due to the conduct of the defendant. However, other evidence concerning the pregnancy may not be admitted, and further reference to the pregnancy may not be made in the presence of the jury.

SECTION 18. IC 35-42-1-1, AS AMENDED BY P.L.252-2017, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. A person who:

- (1) knowingly or intentionally kills another human being;
- (2) kills another human being while committing or attempting to commit arson, burglary, child molesting, consumer product tampering, criminal deviate conduct (under IC 35-42-4-2 before its repeal), kidnapping, rape, robbery, human trafficking, promotion of human **labor** trafficking, **promotion of human sexual trafficking**, **promotion of child sexual trafficking**, **promotion of sexual trafficking of a younger child**, **child** sexual trafficking, ~~of a minor~~, or carjacking (before its repeal);
- (3) kills another human being while committing or attempting to commit:

(A) dealing in or manufacturing cocaine or a narcotic

drug (IC 35-48-4-1);

(B) dealing in methamphetamine (IC 35-48-4-1.1);

(C) manufacturing methamphetamine (IC 35-48-4-1.2);

(D) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2);

(E) dealing in a schedule IV controlled substance (IC 35-48-4-3); or

(F) dealing in a schedule V controlled substance; or

(4) knowingly or intentionally kills a fetus that has attained viability (as defined in IC 16-18-2-365); commits murder, a felony.

SECTION 19. IC 35-42-3.5-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 0.5. (a) The following definitions apply throughout this chapter:

(1) "Human trafficking" means an offense described in sections 1 through 1.4 of this chapter.

(2) "Human trafficking victim" means a person who is the victim of human trafficking.

(3) "Sexual conduct" has the meaning set forth in IC 35-42-4-4.

(b) As used in this chapter, "force", "threat of force", "coercion", or "fraud" means but is not limited to a person:

(1) causing or threatening to cause physical harm to a human trafficking victim;

(2) physically restraining or threatening to physically restrain a human trafficking victim;

(3) abusing or threatening to abuse the law or legal process to further the act of human trafficking;

(4) knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document of the human trafficking victim;

(5) using blackmail or threatening to cause financial harm for the purpose of exercising financial control over the human trafficking victim; or

(6) facilitating or controlling a human trafficking victim's access to a controlled substance.

SECTION 20. IC 35-42-3.5-1, AS AMENDED BY P.L.86-2017, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. (a) A person who, by force, threat of force, **coercion**, or fraud, knowingly or intentionally recruits, harbors, **provides, obtains**, or transports ~~another person: an individual~~

(+) to engage the ~~other person~~ individual in

(A) forced labor or services or

(B) involuntary servitude; or

(2) to force the other person into:

(A) marriage;

(B) prostitution; or

(C) participating in sexual conduct (as defined by IC 35-42-4-4);

commits promotion of human **labor** trafficking, a Level 4 felony.

(b) A person who knowingly or intentionally recruits, harbors, or transports a child less than:

(+) eighteen (+8) years of age with the intent of:

(A) engaging the child in:

(i) forced labor; or

(ii) involuntary servitude; or

(B) inducing or causing the child to:

(i) engage in prostitution or juvenile prostitution; or

(ii) engage in a performance or incident that includes sexual conduct in violation of IC 35-42-4-4(b) or IC 35-42-4-4(c) (child exploitation); or

(2) sixteen (+6) years of age with the intent of inducing or causing the child to participate in sexual conduct (as defined by IC 35-42-4-4);

commits promotion of human trafficking of a minor, a Level 3

felony. Except as provided in subsection (c), it is not a defense to a prosecution under this subsection that the child consented to engage in prostitution or juvenile prostitution or to participate in sexual conduct.

(c) A person who is at least eighteen (18) years of age who knowingly or intentionally sells or transfers custody of a child less than eighteen (18) years of age for the purpose of prostitution, juvenile prostitution, or participating in sexual conduct (as defined by IC 35-42-4-4) commits sexual trafficking of a minor, a Level 2 felony.

(d) A person who knowingly or intentionally pays, offers to pay, or agrees to pay money or other property to another person for an individual who the person knows has been forced into:

- (1) forced labor;
- (2) involuntary servitude; or
- (3) prostitution or juvenile prostitution;

commits human trafficking, a Level 5 felony.

(e) It is a defense to a prosecution under subsection (b)(2) if:

- (1) the child is at least fourteen (14) years of age but less than sixteen (16) years of age and the person is less than eighteen (18) years of age; or
- (2) all the following apply:

(A) The person is not more than four (4) years older than the victim.

(B) The relationship between the person and the victim was a dating relationship or an ongoing personal relationship. The term "ongoing personal relationship" does not include a family relationship.

(C) The crime:

- (i) was not committed by a person who is at least twenty-one (21) years of age;
- (ii) was not committed by using or threatening the use of deadly force;
- (iii) was not committed while armed with a deadly weapon;
- (iv) did not result in serious bodily injury;
- (v) was not facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge; and
- (vi) was not committed by a person having a position of authority or substantial influence over the victim.

(D) The person has not committed another sex offense (as defined in IC 11-8-8-5.2), including a delinquent act that would be a sex offense if committed by an adult, against any other person.

SECTION 21. IC 35-42-3.5-1.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1.1. A person who knowingly or intentionally uses force, threat of force, coercion, or fraud to recruit, entice, harbor, or transport an individual with the intent of causing the individual to:

- (1) marry another person;
- (2) engage in prostitution; or
- (3) participate in sexual conduct;

commits promotion of human sexual trafficking, a Level 4 felony.

SECTION 22. IC 35-42-3.5-1.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1.2. (a) A person who knowingly or intentionally recruits, entices, harbors, or transports a child less than eighteen (18) years of age with the intent of causing the child to engage in:

- (1) prostitution or juvenile prostitution; or
- (2) a performance or incident that includes sexual conduct in violation of IC 35-42-4-4(b) or IC 35-42-4-4(c) (child exploitation);

commits promotion of child sexual trafficking, a Level 3 felony.

(b) It is not a defense to a prosecution under this section that the:

(1) child consented to engage in prostitution or juvenile prostitution or to participate in sexual conduct; or

(2) intended victim of the offense is a law enforcement officer.

(c) A person who knowingly or intentionally recruits, entices, harbors, or transports a child less than sixteen (16) years of age with the intent of inducing or causing the child to participate in sexual conduct commits promotion of sexual trafficking of a younger child, a Level 3 felony. It is a defense to a prosecution under this subsection if:

- (1) the child is at least fourteen (14) years of age but less than sixteen (16) years of age and the person is less than eighteen (18) years of age; or
- (2) all the following apply:

(A) The person is not more than four (4) years older than the victim.

(B) The relationship between the person and the victim was a dating relationship or an ongoing personal relationship. The term "ongoing personal relationship" does not include a family relationship.

(C) The crime:

- (i) was not committed by a person who is at least twenty-one (21) years of age;
- (ii) was not committed by using or threatening the use of deadly force;
- (iii) was not committed while armed with a deadly weapon;
- (iv) did not result in serious bodily injury;
- (v) was not facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge; and
- (vi) was not committed by a person having a position of authority or substantial influence over the victim.

(D) The person has not committed another sex offense (as defined in IC 11-8-8-5.2), including a delinquent act that would be a sex offense if committed by an adult, against any other person.

(E) The person is not promoting prostitution (as defined in IC 35-45-4-4) with respect to the victim even though the person has not been charged with or convicted of the offense.

SECTION 23. IC 35-42-3.5-1.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1.3. A person who is at least eighteen (18) years of age who knowingly or intentionally sells or transfers custody of a child less than eighteen (18) years of age for the purpose of prostitution, juvenile prostitution, or participating in sexual conduct commits child sexual trafficking, a Level 2 felony.

SECTION 24. IC 35-42-3.5-1.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1.4. A person who knowingly or intentionally pays to, offers to pay to, agrees to pay money or other property to, or benefits in some other manner another person for a human trafficking victim or an act performed by a human trafficking victim commits human trafficking, a Level 5 felony.

SECTION 25. IC 35-42-3.5-2, AS ADDED BY P.L.173-2006, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. In addition to any sentence or fine imposed for a conviction of an offense

under ~~section sections~~ **1 through 1.4** of this chapter, the court shall order the person convicted to make restitution to the victim of the crime under IC 35-50-5-3.

SECTION 26. IC 35-42-3.5-3, AS AMENDED BY P.L.106-2010, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. (a) If a person is convicted of an offense under ~~section sections~~ **1 through 1.4** of this chapter, the victim of the offense:

- (1) has a civil cause of action against the person convicted of the offense; and
- (2) may recover the following from the person in the civil action:
 - (A) Actual damages.
 - (B) Court costs (including fees).
 - (C) Punitive damages, when determined to be appropriate by the court.
 - (D) Reasonable attorney's fees.

(b) An action under this section must be brought not more than two (2) years after the date the person is convicted of the offense under ~~section sections~~ **1 through 1.4** of this chapter.

SECTION 27. IC 35-42-3.5-4, AS AMENDED BY P.L.23-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. (a) An alleged victim of an offense under ~~section sections~~ **1 through 1.4** of this chapter:

- (1) may not be detained in a facility that is inappropriate to the victim's status as a crime victim;
- (2) may not be jailed, fined, or otherwise penalized due to having been the victim of the offense; and
- (3) shall be provided protection if the victim's safety is at risk or if there is danger of additional harm by recapture of the victim by the person who allegedly committed the offense, including:
 - (A) taking measures to protect the alleged victim and the victim's family members from intimidation and threats of reprisals and reprisals from the person who allegedly committed the offense or the person's agent; and
 - (B) ensuring that the names and identifying information of the alleged victim and the victim's family members are not disclosed to the public.

This subsection shall be administered by law enforcement agencies and the Indiana criminal justice institute as appropriate.

(b) Not more than fifteen (15) days after the date a law enforcement agency first encounters an alleged victim of an offense under ~~section sections~~ **1 through 1.4** of this chapter, the law enforcement agency shall provide the alleged victim with a completed Declaration of Law Enforcement Officer for Victim of Trafficking in Persons (LEA Declaration, Form I-914 Supplement B) in accordance with 8 CFR 214.11(f)(1). However, if the law enforcement agency finds that the grant of an LEA Declaration is not appropriate for the alleged victim, the law enforcement agency shall, not more than fifteen (15) days after the date the agency makes the finding, provide the alleged victim with a letter explaining the grounds for the denial of the LEA Declaration. After receiving a denial letter, the alleged victim may submit additional evidence to the law enforcement agency. If the alleged victim submits additional evidence, the law enforcement agency shall reconsider the denial of the LEA Declaration not more than seven (7) days after the date the agency receives the additional evidence.

(c) If a law enforcement agency detains an alleged victim of an offense under ~~section sections~~ **1 through 1.4** of this chapter who is less than eighteen (18) years of age, the law enforcement agency shall immediately notify the department of child services that the alleged victim:

- (1) has been detained; and
- (2) may be a victim of child abuse or neglect.

SECTION 28. IC 35-42-4-9, AS AMENDED BY P.L.158-2013, SECTION 445, IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 9. (a) A person at least eighteen (18) years of age who, with a child at least fourteen (14) years of age but less than sixteen (16) years of age, performs or submits to sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5) commits sexual misconduct with a minor, a Level 5 felony. However, the offense is:

- (1) a Level 4 felony if it is committed by a person at least twenty-one (21) years of age; and
- (2) a Level 1 felony if it is committed by using or threatening the use of deadly force, if it is committed while armed with a deadly weapon, if it results in serious bodily injury, or if the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

(b) A person at least eighteen (18) years of age who, with a child at least fourteen (14) years of age but less than sixteen (16) years of age, performs or submits to any fondling or touching, of either the child or the older person, with intent to arouse or to satisfy the sexual desires of either the child or the older person, commits sexual misconduct with a minor, a Level 6 felony. However, the offense is:

- (1) a Level 5 felony if it is committed by a person at least twenty-one (21) years of age; and
- (2) a Level 2 felony if it is committed by using or threatening the use of deadly force, while armed with a deadly weapon, or if the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

(c) It is a defense that the accused person reasonably believed that the child was at least sixteen (16) years of age at the time of the conduct. However, this subsection does not apply to an offense described in subsection (a)(2) or (b)(2).

(d) It is a defense that the child is or has ever been married. However, this subsection does not apply to an offense described in subsection (a)(2) or (b)(2).

(e) It is a defense to a prosecution under this section if all the following apply:

- (1) The person is not more than four (4) years older than the victim.
- (2) The relationship between the person and the victim was a dating relationship or an ongoing personal relationship. The term "ongoing personal relationship" does not include a family relationship.
- (3) The crime:
 - (A) was not committed by a person who is at least twenty-one (21) years of age;
 - (B) was not committed by using or threatening the use of deadly force;
 - (C) was not committed while armed with a deadly weapon;
 - (D) did not result in serious bodily injury;
 - (E) was not facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge; and
 - (F) was not committed by a person having a position of authority or substantial influence over the victim.
- (4) The person has not committed another sex offense (as defined in IC 11-8-8-5.2) (including a delinquent act that would be a sex offense if committed by an adult) against any other person.

(5) The person is not promoting prostitution (as defined in IC 35-45-4-4) with respect to the victim even though the person has not been charged with or convicted of the offense.

SECTION 29. IC 35-45-1-5, AS AMENDED BY P.L.86-2017, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5. (a) As used in this section, "common nuisance" means a building, structure, vehicle, or other place that is used for (1) or more of the following purposes:

- (1) To buy an alcoholic beverage in violation of IC 7.1-5-10-5.
- (2) To unlawfully use, keep, or sell a legend drug.
- (3) To unlawfully:
 - (A) use;
 - (B) manufacture;
 - (C) keep;
 - (D) offer for sale;
 - (E) sell;
 - (F) deliver; or
 - (G) finance the delivery of;

a controlled substance or an item of drug paraphernalia (as described in IC 35-48-4-8.5).

- (4) To provide a location for a person to pay, offer to pay, or agree to pay money or other property to another person for an individual whom the person knows has been forced into: **a human trafficking victim or an act performed by a human trafficking victim.**

~~(A) forced labor;~~
~~(B) involuntary servitude; or~~
~~(C) prostitution or juvenile prostitution;~~

- (5) To provide a location for a person to commit a violation of ~~IC 35-42-3.5-1(a)~~ **IC 35-42-3.5-1** through ~~IC 35-42-3.5-1(d)~~ **IC 35-42-3.5-1.4** (human trafficking).

(b) A person who knowingly or intentionally visits a common nuisance described in subsections (a)(1) through (a)(4) commits visiting a common nuisance. The offense is a:

- (1) Class B misdemeanor if the common nuisance is used for the unlawful:

(A) sale of an alcoholic beverage as set forth in subsection (a)(1);
 (B) use, keeping, or sale of a legend drug as set forth in subsection (a)(2); or
 (C) use, manufacture, keeping, offer for sale, sale, delivery, or financing the delivery of a controlled substance or item of drug paraphernalia (as described in IC 35-48-4-8.5), as set forth in subsection (a)(3);

- (2) Class A misdemeanor if:

(A) the common nuisance is used as a location for a person to pay, offer to pay, or agree to pay for ~~a person who has been forced into forced labor, involuntary servitude, prostitution, or juvenile prostitution~~ **a human trafficking victim or an act performed by a human trafficking victim** as set forth in subsection (a)(4); or
 (B) the person knowingly, intentionally, or recklessly takes a person less than eighteen (18) years of age or an endangered adult (as defined in IC 12-10-3-2) into a common nuisance used to unlawfully:

- (i) use;
- (ii) manufacture;
- (iii) keep;
- (iv) offer for sale;
- (v) sell;
- (vi) deliver; or
- (vii) finance the delivery of;

a controlled substance or an item of drug paraphernalia, as set forth in subsection (a)(3); and

- (3) Level 6 felony if the person:
 - (A) knowingly, intentionally, or recklessly takes a person less than eighteen (18) years of age or an

endangered adult (as defined in IC 12-10-3-2) into a common nuisance used to unlawfully:

- (i) use;
- (ii) manufacture;
- (iii) keep;
- (iv) offer for sale;
- (v) sell;
- (vi) deliver; or
- (vii) finance the delivery of;

a controlled substance or an item of drug paraphernalia, as set forth in subsection (a)(3); and

(B) has a prior unrelated conviction for a violation of this section involving a controlled substance or drug paraphernalia.

(c) A person who knowingly or intentionally maintains a common nuisance commits maintaining a common nuisance, a Level 6 felony.

(d) It is a defense to a prosecution under subsection (c) that:

- (1) the offense involves only the unlawful use or keeping of:

(A) less than:

- (i) thirty (30) grams of marijuana; or
- (ii) five (5) grams of hash oil, hashish, or salvia; or

(B) an item of drug paraphernalia (as described in IC 35-48-4-8.5) that is designed for use with, or intended to be used for, marijuana, hash oil, hashish, or salvia; and

- (2) the person does not have a prior unrelated conviction for a violation of subsection (c).

SECTION 30. IC 35-45-4-2, AS AMENDED BY P.L.86-2017, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. (a) A person at least eighteen (18) years of age who knowingly or intentionally:

- (1) performs, or offers or agrees to perform, sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5); or

- (2) fondles, or offers or agrees to fondle, the genitals of another person;

for money or other property commits prostitution, a Class A misdemeanor. However, the offense is a Level 6 felony if the person has two (2) prior convictions under this section.

(b) It is a defense to a prosecution under this section that the person was a victim or an alleged victim of an offense under IC 35-42-3.5-1 **through IC 35-42-3.5-1.4** at the time the person engaged in the prohibited conduct.

SECTION 31. IC 35-45-4-3, AS AMENDED BY P.L.48-2017, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. (a) A person who knowingly or intentionally pays, or offers or agrees to pay, money or other property to another person:

- (1) for having engaged in, or on the understanding that the other person will engage in, sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5) with the person or with any other person; or

- (2) for having fondled, or on the understanding that the other person will fondle, the genitals of the person or any other person;

commits making an unlawful proposition, a Class A misdemeanor. However, the offense is a Level 6 felony if the person has two (2) prior convictions under this section.

(b) It is not a defense to a prosecution under this section that the:

- (1) child consented to engage in prostitution or juvenile prostitution or to participate in sexual conduct; or

- (2) intended victim of the offense is a law enforcement officer.

SECTION 32. IC 35-45-4-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 7. If a law enforcement agency detains an alleged victim of an offense under this chapter who is less than eighteen (18) years of age, the law enforcement agency shall immediately notify the department of child services that the alleged victim:**

(1) has been detained; and

(2) may be a victim of child abuse or neglect.

SECTION 33. IC 35-46-1-9, AS AMENDED BY P.L.113-2017, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 9. (a) As used in this section, "resident" means an individual who has a physical presence in a state with the intention of remaining indefinitely in that state.**

(b) This section does not apply if the:

(1) birth mother is not a resident of Indiana; and

(2) adoption takes place in a jurisdiction outside Indiana.

(c) Except as provided in subsection (d), a person who, with respect to an adoption, transfers or receives any property in connection with the waiver of parental rights, the termination of parental rights, the consent to adoption, or the petition for adoption commits profiting from an adoption, a Level 6 felony.

(d) This section does not apply to the transfer or receipt of:

(1) reasonable attorney's fees;

(2) hospital and medical expenses concerning childbirth and pregnancy incurred by the adopted person's birth mother;

(3) reasonable charges and fees levied by a child placing agency licensed under IC 31-27 or the department of child services, including reasonable charges and fees for adoption services (as described in section 22 of this chapter);

(4) reasonable expenses for psychological counseling relating to adoption incurred by the adopted person's birth parents;

(5) reasonable costs of housing, utilities, and phone service for the adopted person's birth mother during the second or third trimester of pregnancy and not more than six (6) weeks after childbirth;

(6) reasonable costs of maternity clothing for the adopted person's birth mother;

(7) reasonable travel expenses incurred by the adopted person's birth mother that relate to the pregnancy or adoption;

(8) any additional itemized necessary living expenses for the adopted person's birth mother during the second or third trimester of pregnancy and not more than six (6) weeks after childbirth, not listed in subdivisions (5) through (7) in an amount not to exceed one thousand dollars (\$1,000); or

(9) other charges and fees approved by the court supervising the adoption, including reimbursement of not more than actual wages lost as a result of the inability of the adopted person's birth mother to work at her regular, existing employment due to a medical condition, excluding a psychological condition, if:

(A) the attending physician of the adopted person's birth mother has ordered or recommended that the adopted person's birth mother discontinue her employment; and

(B) the medical condition and its direct relationship to the pregnancy of the adopted person's birth mother are documented by her attending physician; or

(10) reasonable charges and fees for adoption services (as described in section 22 of this chapter) provided by an attorney licensed to practice law in Indiana.

In determining the amount of reimbursable lost wages, if any, that are reasonably payable to the adopted person's birth mother under subdivision (9), the court shall offset against the reimbursable lost wages any amounts paid to the adopted

person's birth mother under subdivisions (5) and (8) and any unemployment compensation received by or owed to the adopted person's birth mother.

(e) Except as provided in this subsection, payments made under subsection (d)(5) through (d)(9) may not exceed four thousand dollars (\$4,000) and must be disclosed to the court supervising the adoption. The amounts paid under subsection (d)(5) through (d)(9) may exceed four thousand dollars (\$4,000) to the extent that a court with jurisdiction over the child who is the subject of the adoption approves the expenses after determining that:

(1) the expenses are not being offered as an inducement to proceed with an adoption; and

(2) failure to make the payments may seriously jeopardize the health of either the child or the mother of the child and the direct relationship is documented by a licensed social worker or the attending physician.

(f) The payment limitation under subsection (e) applies to the total amount paid under subsection (d)(5) through (d)(9) in connection with an adoption from all prospective adoptive parents, attorneys, and licensed child placing agencies.

(g) An attorney or licensed child placing agency shall inform a birth mother of the penalties for committing adoption deception under section 9.5 of this chapter before the attorney or agency transfers a payment for adoption related expenses under subsection (d) in relation to the birth mother.

(h) The limitations in this section apply regardless of the state or country in which the adoption is finalized.

SECTION 34. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "human trafficking" means an offense described in IC 35-42-3.5-1 through IC 35-42-3.5-1.4.

(b) The legislative council is urged to assign to an appropriate interim study committee the task of studying the following topics:

(1) Creating a single point of contact for law enforcement during an investigation when there is a potential human trafficking victim involved.

(2) Determining whether a state agency should provide oversight and administer programs to stop human trafficking in Indiana.

(3) Establishing a program for helping adult victims of human trafficking in Indiana, similar to how the department of child services handles child victims of human trafficking.

(4) Review of the penalties for human trafficking crimes in the Indiana criminal code.

(c) This SECTION expires November 2, 2018.

SECTION 34. An emergency is declared for this act.

(Reference is to EHB 1270 as printed February 23, 2018.)

SIEGRIST	HEAD
BARTLETT	G. TAYLOR
House Conferees	Senate Conferees

Roll Call 374: yeas 98, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT EHB 1317-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1317 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 5-10-8-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 20. (a) As used in this

section, "covered individual" means an individual entitled to coverage under a state employee plan.

(b) As used in this section, "drug" means a prescription drug.

(c) As used in this section, "pharmacy" refers to a pharmacist or pharmacy that has entered into an agreement with a state employee plan to provide drugs to individuals covered under a state employee plan.

(d) As used in this section, "state employee plan" refers to the following that provide coverage for drugs:

- (1) A self-insurance program established under section 7(b) of this chapter to provide group health coverage.
- (2) A contract with a prepaid health care delivery plan that is entered into or renewed under section 7(c) of this chapter.

The term includes a person that administers drug benefits on behalf of a state employee plan.

(e) A pharmacy or pharmacist shall have the right to provide a covered individual with information concerning the amount of the covered individual's cost share for a prescription drug. Neither a pharmacy nor a pharmacist shall be proscribed by a pharmacy benefits manager from discussing this information or from selling to the covered individual a more affordable alternative if an affordable alternative is available.

(f) A pharmacy benefits manager that covers prescription drugs may not include a provision that requires a covered individual to make payment for a prescription drug at the point of sale in an amount that exceeds the lesser of:

- (1) the contracted copayment amount; or
- (2) the amount of total approved charges by the pharmacy benefits manager at the point of sale.

This subsection does not prohibit the adjudication of claims in accordance with the state employee plan administered by a pharmacy benefits manager. The covered individual is not liable for any additional charges or entitled to any credits as a result of the adjudicated claim.

SECTION 2. IC 12-10-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. (a) The area agencies on aging designated by the bureau in each planning and service region shall do the following:

- (1) Determine the needs and resources of the aged in the area.
- (2) Coordinate, in cooperation with other agencies or organizations in the area, region, district, or county, all programs and activities providing health, recreational, educational, or social services for the aged.
- (3) Secure local matching money from public and private sources to provide, improve, or expand the sources available to meet the needs of the aged.
- (4) Develop, in cooperation with the division and in accordance with the regulations of the commissioner of the federal Administration on Aging, an area plan for each planning and service area to provide for the following:
 - (A) A comprehensive and coordinated system for the delivery of services needed by the aged in the area.
 - (B) The collection and dissemination of information and referral sources.
 - (C) The effective and efficient use of all resources meeting the needs of the aged.
 - (D) The inauguration of new services and periodic evaluation of all programs and projects delivering services to the aged, with special emphasis on the low income and minority residents of the planning and service area.
 - (E) The establishment, publication, and maintenance of a toll free telephone number to provide information, counseling, and referral services for the aged residents of the planning and service area.
- (5) Conduct case management (as defined in

IC 12-10-10-1).

(6) Perform any other functions required by regulations established under the Older Americans Act (42 U.S.C. 3001 et seq.).

(b) The division shall pay the costs associated with the toll free telephone number required under subsection (a).

(c) Changes may not be made to the designated coverage area of an area agency on aging until after the following:

- (1) The office of the secretary holds a public hearing in each county where the existing area agency on aging is operating to discuss the proposed changes and receive public comment.
- (2) One (1) year elapses from the date of the meeting held under subdivision (1).

SECTION 3. IC 12-10-10-2, AS AMENDED BY P.L.141-2006, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. As used in this chapter, "community and home care services" means services provided within the limits of available funding to an eligible individual. The term includes the following:

- (1) Homemaker services and attendant care, including personal care services.
- (2) Respite care services and other support services for primary or family caregivers.
- (3) Adult day care services.
- (4) Home health services and supplies.
- (5) Home delivered meals.
- (6) Transportation.
- (7) Attendant care services provided by a registered personal services attendant under IC 12-10-17.1 to persons described in IC 12-10-17.1-6.
- (8) Other services necessary to prevent institutionalization of eligible individuals when feasible.
- (9) Other services, not covered by Medicaid, including equipment and building modifications, necessary to:
 - (A) prevent individuals with intellectual or developmental disabilities from being institutionalized; and
 - (B) help an individual described in clause (A) to transition out of a health facility licensed under IC 16-28 or a group home (as defined by IC 31-9-2-48.5).

SECTION 4. IC 12-10-11-8, AS AMENDED BY P.L.143-2011, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 8. The board shall do the following:

- (1) Establish long term goals of the state for the provision of a continuum of care for the elderly and individuals with a disability based on the following:
 - (A) Individual independence, dignity, and privacy.
 - (B) Long term care services that are:
 - (i) integrated, accessible, and responsible; and
 - (ii) available in home and community settings.
 - (C) Individual choice in planning and managing long term care.
 - (D) Access to an array of long term care services:
 - (i) for an individual to receive care that is appropriate for the individual's needs; and
 - (ii) to enable a case manager to have cost effective alternatives available in the construction of care plans and the delivery of services.
 - (E) Long term care services that include home care, community based services, assisted living, congregate care, adult foster care, and institutional care.
 - (F) Maintaining an individual's dignity and self-reliance to protect the fiscal interests of both taxpayers and the state.
 - (G) Long term care services that are fiscally sound.
 - (H) Services that:
 - (i) promote behavioral health; and

- (ii) prevent and treat mental illness and addiction.
- (2) Review state policies on community and home care services.
- (3) Recommend the adoption of rules under IC 4-22-2.
- (4) Recommend legislative changes affecting community and home care services.
- (5) Recommend the coordination of the board's activities with the activities of other boards and state agencies concerned with community and home care services.
- (6) Evaluate cost effectiveness, quality, scope, and feasibility of a state administered system of community and home care services.
- (7) Evaluate programs for financing services to those in need of a continuum of care.
- (8) Evaluate state expenditures for community and home care services, taking into account efficiency, consumer choice, competition, and equal access to providers.
- (9) Develop policies that support the participation of families and volunteers in meeting the long term care needs of individuals.
- (10) Encourage the development of funding for a continuum of care from private resources, including insurance.
- (11) Develop a cost of services basis and a program of cost reimbursement for those persons who can pay all or a part of the cost of the services rendered. The division shall use this cost of services basis and program of cost reimbursement in administering IC 12-10-10. The cost of services basis and program of cost reimbursement must include a client cost share formula that:

- (A) imposes no charges for an eligible individual whose income does not exceed one hundred fifty percent (150%) of the federal income poverty level; and
- (B) does not impose charges for the total cost of services provided to an individual under the community and home options to institutional care for the elderly and disabled program unless the eligible individual's income exceeds three hundred fifty percent (350%) of the federal income poverty level.

The calculation of income for an eligible individual must include the deduction of the individual's medical expenses and the medical expenses of the individual's spouse and dependent children who reside in the eligible individual's household.

- (12) Establish long term goals for the provision of guardianship services for adults.
- (13) Coordinate activities and programs with the activities of other boards and state agencies concerning the provision of guardianship services.
- (14) Recommend statutory changes affecting the guardianship of indigent adults.
- (15) Review a proposed rule concerning ~~home and community based services the community and home options to institutional care for the elderly and disabled program under IC 12-10-10~~ as required under section 9 of this chapter.

SECTION 5. IC 12-10-11-9, AS ADDED BY P.L.137-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 9. (a) The board shall be given the opportunity to review **and recommend changes to** a proposed rule concerning ~~home and community based services the community and home options to institutional care for the elderly and disabled program under IC 12-10-10~~ for:

- (1) elderly individuals; or
- (2) individuals with disabilities;

~~at least three (3) months before a~~ the proposed rule may be published in the Indiana Register. **The proposed rule must be distributed to the board at least one (1) month before the board's next regularly scheduled meeting.**

- (b) If the proposing agency fails to give the board the

opportunity to review **and recommend changes to** a proposed rule described in subsection (a), the rule:

- (1) is void; and
- (2) must be withdrawn by the proposing agency.

(c) ~~The board may determine that the proposed rule reviewed by the board under this section should be subject to a public comment period. If the board makes a determination that a public comment period is necessary, the board shall set the:~~

- ~~(1) date and time;~~
- ~~(2) location; and~~
- ~~(3) format;~~

~~of the public comment period for the proposed rule.~~

(d) After a public hearing, if the board determines that a proposed rule is substantially out of compliance with state law governing home and community based services, the board shall request that the agency proposing the rule modify or withdraw the proposed rule. If a proposed rule is modified under this subsection, the modified rule must be reviewed by the board.

SECTION 6. IC 12-12.7-2-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 21. (a) The office of the secretary of family and social services shall study service provider and systems point of entry reimbursement rates for recipients of early intervention services.

(b) The office may contract with a vendor to conduct the rate study required under subsection (a).

(c) The rate study required under subsection (a) must include the following:

(1) A comprehensive review, evaluation, and analysis of the current revenue sources, payment methodology, and fund recovery systems for programs and services provided under this chapter. The requirements of this subdivision must include the following:

(A) The use of the following in gathering the required information:

- (i) Data collection.
- (ii) Surveys.
- (iii) Focus groups.
- (iv) Meetings.

(v) Interviews of state program personnel, contractors, state and local agency partners, and stakeholders that are relevant to the analysis.

(B) An analysis plan that at least identifies key personnel and information sources and develops an interview model and other tools.

(C) Analysis of early intervention rules, regulations, and fiscal policy, including a comprehensive review of Indiana's current policies, processes, revenue sources, and research on other states' systems and policies.

If the review, evaluation, and analysis under this subdivision are performed by a vendor, the vendor shall prepare a report with the vendor's findings and provide the report to the office of the secretary, the division of disability and rehabilitative services, and the council.

(2) The identification of potential revenue sources for programs and services provided under this chapter and the development of a plan for use of the identified sources and revenue to maximize funding for early intervention. The plan under this subdivision must include the following:

- (A) A proposal for new reimbursement methodologies or modifications to current methodologies to address any concerns identified through the revenue, payment methodology, and fund recovery system analysis. Any proposal under this clause must comply with federal and state laws and regulations for any identified funding source.
- (B) The integration of stakeholder input into any

recommendations under this subdivision.

(C) Recommendations concerning the:

- (i) administration;
- (ii) service delivery; and
- (iii) financing;

of programs and services provided under this chapter.

(3) A comprehensive rate and time study and the development of a detailed report containing responsible and sustainable recommendations for compensation of all early intervention services provided under this chapter, including system point of entry (SPOE), local planning and coordinating councils (LPCC), intake and service coordination, and provider agencies and direct service providers. The study under this subdivision must include at least monthly meetings with the office of the secretary that discuss the progress of the study under this subdivision. The study must include the following:

(A) The examination of fiscal management and provider accountability for services rendered to a child and families under this chapter through the use of the following:

- (i) Data collection.
- (ii) Surveys.
- (iii) Focus groups.
- (iv) Meetings.
- (v) Interviews of state program personnel, contractors, state and local agency partners, and stakeholders that are relevant to the analysis.

(B) A market analysis, cost instrument, and time study tool design.

(C) Provider notification and training.

(D) Cost instrument and time study facilitation.

(E) Analysis and recommendations through the use of methods described in clause (B) concerning current rates, alternative rate structures, fiscal impact, and methodology to address increased costs and inflation.

(4) Consultation with the Indiana state department of health and the division of mental health and addiction to determine the projected number of children who will need early intervention services in the next five (5) years as a result of exposure to addictive substances.

(5) The identification of provider and systems point of entry service gaps throughout Indiana.

(6) The number of health care professionals needed to provide services in the next five (5) years to all children eligible for early intervention services.

(d) The office shall present the results of the fiscal analysis completed under this section to the state budget committee not later than October 31, 2018. The report to the state budget committee must include the following:

- (1) An estimated number of all children in the next five (5) years who will need early intervention services, including children born with prenatal substance abuse exposure.
- (2) The identified provider and system point of entry service gaps throughout Indiana.
- (3) An estimated number of service providers needed to meet the needs of all children eligible for early intervention services in the next five (5) years.

(e) This section expires June 30, 2019.

SECTION 7. IC 12-14-29-5, AS AMENDED BY P.L.5-2015, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) If referred by a court, an individual who meets the requirements of section 2 of this chapter may receive federal Supplemental Nutrition Assistance Program (SNAP) benefits. ~~for not more than twelve (12) months.~~

(b) If referred by a court, an individual who meets the

requirements of section 3 of this chapter may receive TANF benefits for not more than twelve (12) months.

SECTION 8. IC 12-14-30-3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) Beginning January 1, 2020, and in accordance with 21 U.S.C. 862a(d)(1), the state elects to opt out of the application of 21 U.S.C. 862a(a) for individuals who have been convicted of an offense under IC 35-48 (controlled substances), or an offense in another jurisdiction that is substantially similar, for conduct occurring after August 22, 1996, if any of the following circumstances are met:

(1) The individual has successfully completed probation, parole, community corrections, a reentry court program, or any other postconviction monitoring program ordered by a court.

(2) The individual is successfully complying with the individual's conditions of probation, parole, or community corrections, the terms of participation in a reentry court program, or the requirements of any other postconviction monitoring program ordered by a court.

(3) The individual is eligible for SNAP benefits under IC 12-14-29-2 as a participant in a program described in IC 12-14-29-2(4).

(b) If the individual violates any terms of the probation, parole, community corrections, or reentry court program described in subsection (a), the individual is not eligible for SNAP.

SECTION 9. IC 12-15-13-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The office of family and social services shall study Medicaid reimbursement rates and the methodology for case management services for recipients of the Medicaid family support waiver and the Medicaid community integration and habilitation waiver.

(b) The office of family and social services may contract with a vendor to conduct the reimbursement rate and time and effort study in subsection (a).

(c) The results of the study in subsection (a) must include all activities of case management services specified in the Medicaid family support waiver and the Medicaid community integration and habilitation waiver, including the following:

(1) Case manager activities related to the transition of a participant from an institutional setting.

(2) Ensuring the ongoing facilitation of the person centered planning process.

(3) Developing, updating, and reviewing the person centered individualized support plan and related documents.

(4) Facilitating the integration of risk identification, planning, and mitigation in the person centered individualized support plan process.

(5) Convening team meetings.

(6) Monitoring of service delivery and utilization.

(7) Completing and processing the annual level of care determination.

(8) Completing case notes for all actions on behalf of the consumer.

(9) Convening and conducting all required and as needed face-to-face contacts.

(10) Completing and processing the monitoring checklist.

(11) Developing, submitting, and confirming initial, annual, reentry, and updated cost comparison budgets.

(12) Disseminating information, including all notices of action and forms to the participant, guardian, and the individualized support team.

(13) Developing and submitting budget modification

requests, budget review questionnaires, and data entry worksheets, as needed.

(14) Developing and submitting the request for authorization, as outlined in the division of disability and rehabilitative services waiver manual, verifying the service is provided and the equipment is received.

(15) Completing, submitting, and following up on nonsentinel incident reports.

(16) Completing all required processes and procedures as outlined in the bureau of quality improvement services sentinel event protocol.

(17) Completing all required processes and procedures as outlined in the bureau of quality improvement services mortality review protocol, as requested.

(18) Monitoring participants' health, safety, and welfare.

(19) Monitoring participants' satisfaction and service outcomes.

(20) Monitoring claims reimbursed through the approved Medicaid management information system and pertaining to waiver funded services.

(21) Maintaining files according to state standards.

(22) Cultivating and strengthening informal and natural supports for each participant.

(23) Identifying resources and negotiating the best solutions to meet identified needs.

(24) Completing the onboarding process for referrals.

(25) Completing the intake requirements and process for all referrals new to a waiver.

(26) Costs associated with initial and ongoing training for case managers.

(27) Costs associated with the on call system.

(28) Costs associated with the requirement to employ or contract with a registered nurse.

(29) Costs associated with the requirement to be accredited.

(30) Costs associated with maintaining the required quality assurance systems.

(31) Costs associated with providing supervision and support of case managers.

(32) Specific case manager requirements related to persons assessed to be at the Algo 6 level assessment level.

(d) The results of the study must include the following:

(1) An analysis and comparison of service rates and rate structures for similar services in comparable states and the number of hours of service per person per month provided for each rate.

(2) An analysis and comparison of competitive market rates and rate structures for similar services in Indiana and the number of hours of service per person per month provided for each market rate.

(3) Recommendations for Medicaid rates for case management services for recipients of the Medicaid family support waiver and the Medicaid community integration and habilitation waiver.

(4) The methodology for arriving at the recommended rates and number of hours or units for each rate.

(5) The amount of state dollars needed to adequately fund the service for all potentially and currently eligible recipients under the recommended Medicaid rates.

(6) The number of all potential and current persons eligible to receive case management services.

(e) Any new rates as a result of a study under this section:

(1) may not:

(A) take effect until at least January 1, 2019; and

(B) be applied retroactively to any claim or approved service before the effective date of the new rate; and

(2) must be approved by the federal Department of Health and Human Services through a Medicaid waiver amendment applied for by the office of the secretary.

(f) The office of family and social services shall present the results of the study to the budget committee before January 1, 2019.

(g) This section expires July 1, 2019.

SECTION 10. IC 25-26-13-29, AS AMENDED BY P.L.158-2013, SECTION 285, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 29. (a) It is unlawful:

(1) For any person to display or permit to be displayed, a pharmacy permit in any facility or place of business other than that for which it was issued.

(2) For any person to accept a prescription for filling or compounding at any place or facility for which there is not a valid pharmacy permit.

(3) For any person to operate a pharmacy or to take, assume, exhibit, display, or advertise by any medium, the title "drugs", "prescriptions", "medicine", "drug store", "pharmacy", or "apothecary shop", or any combination of such titles or any other title, symbol, term, or description of like import intended to cause the public to believe that it is a pharmacy unless the person holds a valid pharmacy permit.

(4) For any person to engage or offer to engage in the practice of pharmacy or to hold himself or herself out as a pharmacist without a valid pharmacist's license that is classified as active by the board.

(b) A person who violates a provision of subsection (a) commits a Level 6 felony.

(c) Nothing in this chapter shall apply to, nor in any manner interfere with the business of a general merchant in selling and distributing nonnarcotic, nonprescription medicines or drugs which are prepackaged, fully prepared by the manufacturer for use by the consumer, and labeled in accordance with the requirements of the state and federal food and drug acts.

(d) This chapter does not apply to, or in any manner interfere with, the business of a manufacturer in selling and delivering a dialysate drug or a device that is necessary for home peritoneal renal dialysis for a patient who has end stage renal disease if all of the following apply:

(1) The dialysate drug or device is approved by the federal Food and Drug Administration under federal law.

(2) The dialysate drug or device is held by the manufacturer, a third party logistics provider, or a wholesale drug distributor in accordance with the requirements of IC 25-26-14.

(3) The dialysate drug or device is delivered in the manufacturer's original, sealed packaging.

(4) The dialysate drug or device is delivered only upon:

(A) receipt of a physician's prescription by a pharmacy that holds a pharmacy permit under this chapter; and

(B) the transmittal of an order from the pharmacy described in clause (A) to the manufacturer, third party logistics provider, or wholesale drug distributor.

(5) The manufacturer, third party logistics provider, or wholesale drug distributor delivers the dialysate drug or device directly to:

(A) the patient or the patient's designee for self-administration of the dialysis therapy; or

(B) a health care provider for administration of the dialysis therapy to the patient.

SECTION 11. IC 25-26-13.5-18, AS ADDED BY P.L.202-2017, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) The

board may adopt rules under IC 4-22-2 necessary to implement this chapter.

(b) The Indiana board of pharmacy shall, not later than July 1, 2018, adopt rules under IC 4-22-2, including emergency rules in the manner provided under IC 4-22-2-37.1, to implement this chapter with respect to telepharmacy. This subsection expires July 1, 2019.

SECTION 12. IC 27-8-11-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 12. (a) As used in this section, "drug" means a prescription drug.

(b) As used in this section, "insurer" refers to an insurer that provides coverage for drugs. The term includes a person that administers drug benefits on behalf of an insurer.

(c) As used in this section, "pharmacy" refers to a pharmacist or pharmacy that has entered into an agreement with an insurer under section 3 of this chapter.

(d) A pharmacy or pharmacist shall have the right to provide an insured with information concerning the amount of the insured's cost share for a prescription drug. Neither a pharmacy nor a pharmacist shall be proscribed by an insurer from discussing this information or from selling to the insured a more affordable alternative if an affordable alternative is available.

(e) An insurer that covers prescription drugs may not include a provision that requires an insured to make payment for a prescription drug at the point of sale in an amount that exceeds the lesser of:

- (1) the contracted copayment amount; or
- (2) the amount of total approved charges by the insurer at the point of sale.

This subsection does not prohibit the adjudication of claims in accordance with an accident and sickness insurance policy issued or administered by an insurer. The insured is not liable for any additional charges or entitled to any credits as a result of the adjudicated claim.

SECTION 13. IC 27-13-15-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. (a) As used in this section, "drug" means a prescription drug.

(b) As used in this section, "health maintenance organization" refers to a health maintenance organization that provides coverage for drugs. The term includes the following:

- (1) A limited service health maintenance organization.
- (2) A person that administers drug benefits on behalf of a health maintenance organization or a limited service health maintenance organization.

(c) As used in this section, "pharmacy" refers to a pharmacist or pharmacy that is a participating provider.

(d) A pharmacy or pharmacist shall have the right to provide an enrollee with information concerning the amount of the enrollee's cost share for a prescription drug. Neither a pharmacy nor a pharmacist shall be proscribed by a health maintenance organization from discussing this information or from selling to the enrollee a more affordable alternative if an affordable alternative is available.

(e) A health maintenance organization that covers prescription drugs may not include a provision that requires an enrollee to make payment for a prescription drug at the point of sale in an amount that exceeds the lesser of:

- (1) the contracted copayment amount; or
- (2) the amount of total approved charges by the health maintenance organization at the point of sale.

This subsection does not prohibit the adjudication of claims in accordance with an individual contract or group contract issued or administered by a health maintenance organization. The enrollee is not liable for any additional charges or entitled to any credits as a result of the adjudicated claim.

SECTION 14. IC 32-21-6-3, AS AMENDED BY P.L.25-2016, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. As used in this chapter, "psychologically affected property" includes real estate or a dwelling that is for sale, rent, or lease and to which one (1) or more of the following facts or a reasonable suspicion of facts apply:

(1) That an occupant of the property was afflicted with or died from a disease related to the human immunodeficiency virus (HIV);

(2) (1) That an individual died on the property.

(3) (2) That the property was the site of:

- (A) a felony under IC 35;
- (B) criminal organization (as defined in IC 35-45-9-1) activity;
- (C) the discharge of a firearm involving a law enforcement officer while engaged in the officer's official duties; or
- (D) the illegal manufacture or distribution of a controlled substance.

SECTION 15. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "nurse licensure compact" refers to a multistate compact entered into by states with the interstate commission of nurse licensure compact administrators.

(b) The legislative council is urged to assign to an appropriate interim study committee the task of studying the impact that joining the nurse licensure compact would have on the delivery of nursing services to residents of Indiana. An interim study committee assigned a study under this SECTION shall consider the following:

- (1) Recent changes made to the nurse licensure compact, including benefits other states have realized from joining the nurse licensure compact.
- (2) The likely changes to access to nursing services in Indiana as a result of adopting the nurse licensure compact, including access to nurses in border areas of the state and in underserved areas.
- (3) Increased employment opportunities that may be gained by Indiana nurses if Indiana enters into the nurse licensure compact.
- (4) Issues concerning the oversight and enforcement of standards of practice of nurses by the Indiana state board of nursing and the interstate commission of nurse licensure compact administrators.

(c) This SECTION expires January 1, 2019.

SECTION 16. An emergency is declared for this act.

(Reference is to EHB 1317 as reprinted March 6, 2018.)

CLERE	BECKER
C. BROWN	BREAUX
House Conferees	Senate Conferees

Roll Call 375: yeas 95, nays 3. Report adopted.

CONFERENCE COMMITTEE REPORT EHB 1320-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1320 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-1.1-23.9-1, AS ADDED BY SEA 296-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. Except as otherwise provided, the definitions in this chapter apply throughout this chapter, IC 6-1.1-24, IC 6-1.1-24.5, and

IC 6-1.1-25.

SECTION 2. IC 6-1.1-23.9-3, AS ADDED BY SEA 296-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. (a) "Substantial property interest of public record" means title to or interest in a tract **that is within the tract's chain of record title** and:

(1) possessed by a person; and

(2) either:

(A) recorded in the office of ~~a~~ **the county recorder for the county in which the tract is located;** or

(B) available for public inspection **and properly indexed** in the office of ~~a~~ **the circuit court clerk in the county in which the tract is located;**

~~no~~ **not** later than the hour and date a sale is scheduled to commence under IC 6-1.1-24.

The term does not include a lien held by the state or a political subdivision.

(b) For purposes of IC 6-1.1-24 and IC 6-1.1-25 only, chain of record title includes instruments executed by the owner and recorded within the five (5) day period before the date the owner acquires title to the tract.

SECTION 3. IC 6-1.1-25-2, AS AMENDED BY P.L.187-2016, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. (a) The total amount of money required for the redemption of real property equals the following amount, as applicable:

(1) If a tract or item of real property is redeemed under section 4(c) of this chapter, the amount prescribed in subsection (g).

~~(2) If subdivision (1) does not apply and the real property is conveyed before the expiration of the period of redemption by the owner of record at the time the tract or real property was certified for sale under IC 6-1.1-24, the sum of:~~

~~(A) the amounts prescribed in subsections (b) through (f); and~~

~~(B) the amount held in the tax sale surplus fund.~~

~~The amount specified in clause (B) shall be deposited with the county treasurer and made payable to the owner of record at the time the tract or real property was certified for sale under IC 6-1.1-24.~~

~~(3) (2) If subdivisions subdivision (1) and (2) do does not apply, the sum of the amounts prescribed in subsections (b) through (f). reduced by any amount held in the tax sale surplus fund.~~

(b) Except as provided in subsection (g), the total amount required for redemption includes:

(1) one hundred ten percent (110%) of the minimum bid for which the tract or real property was offered at the time of sale, as required by IC 6-1.1-24-5, if the tract or item of real property is redeemed not more than six (6) months after the date of sale; or

(2) one hundred fifteen percent (115%) of the minimum bid for which the tract or real property was offered at the time of sale, as required by IC 6-1.1-24-5, if: the tract or item of real property is redeemed more than six (6) months but not more than one (1) year after the date of sale.

(c) Except as provided in subsection (g), in addition to the amount required under subsection (b), the total amount required for redemption includes ~~the amount by which the purchase price exceeds the minimum bid on the real property plus:~~

~~(1) five percent (5%) per annum on the amount by which the purchase price exceeds the minimum bid on the property, if the date of sale occurs after June 30, 2014. or~~

~~(2) ten percent (10%) per annum on the amount by which the purchase price exceeds the minimum bid on the property, if the date of sale occurs before July 1, 2014.~~

(d) Except as provided in subsection (g), in addition to the amount required under subsections (b) and (c), the total amount

required for redemption includes all taxes and special assessments upon the property paid by the purchaser after the sale plus:

(1) five percent (5%) per annum on those taxes and special assessments, if the date of sale occurs after June 30, 2014; or

(2) ten percent (10%) interest per annum on those taxes and special assessments, if the date of sale occurs before July 1, 2014.

(e) Except as provided in subsection (g), in addition to the amounts required under subsections (b), (c), and (d), the total amount required for redemption includes the following costs, if certified before redemption and not earlier than thirty (30) days after the date of sale of the property being redeemed by the payor to the county auditor on a form prescribed by the state board of accounts, that were incurred and paid by the purchaser, the purchaser's assignee, or the county, before redemption:

(1) The attorney's fees and costs of giving notice under section 4.5 of this chapter.

(2) The costs of a title search or of examining and updating the abstract of title for the tract or item of real property.

(f) The total amount required for redemption includes, in addition to the amounts required under subsections (b) and (e), all taxes, special assessments, interest, penalties, and fees on the property that accrued and are delinquent after the sale.

(g) With respect to a tract or item of real property redeemed under section 4(c) of this chapter, instead of the amounts stated in subsections (b) through (f), the total amount required for redemption is the amount determined under IC 6-1.1-24-6.1(b)(4).

SECTION 4. IC 32-21-2-3, AS AMENDED BY P.L.143-2009, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. (a) For a conveyance, a mortgage, or an instrument of writing to be recorded, it must be:

(1) acknowledged by the grantor; or

(2) proved before a:

(A) judge;

(B) clerk of a court of record;

(C) county auditor;

(D) county recorder;

(E) notary public;

(F) mayor of a city in Indiana or any other state;

(G) commissioner appointed in a state other than Indiana by the governor of Indiana;

(H) minister, charge d'affaires, or consul of the United States in any foreign country;

(I) clerk of the city county council for a consolidated city, city clerk for a second class city, or clerk-treasurer for a third class city;

(J) clerk-treasurer for a town; or

(K) person authorized under IC 2-3-4-1.

(b) In addition to the requirements under subsection (a), a conveyance may not be recorded after June 30, 2007, unless it meets the requirements of this subsection. **The conveyance must include a statement containing substantially the following information:**

"The mailing address to which statements should be mailed under IC 6-1.1-22-8.1 is [insert proper mailing address]. The mailing address of the grantee is [insert proper mailing address]."

~~The conveyance must include the mailing address to which statements should be mailed under IC 6-1.1-22-8.1. If the mailing address for statements under IC 6-1.1-22-8.1 is not The mailing address for the grantee must be a street address or a rural route address. of the grantee, the conveyance must also include a street address or rural route address of the grantee after the mailing address for statements mailed under IC 6-1.1-22-8.1. A conveyance complies with this subsection if~~

it contains the address or addresses required by this subsection at the end of the conveyance and immediately preceding or following the statements required by IC 36-2-11-15.

SECTION 5. [EFFECTIVE JULY 1, 2018] (a) **The general assembly recognizes that SEA 296-2018, SECTION 1, which added a NEW chapter IC 6-1.1-23.9 to the Indiana Code, added two NEW sections within that chapter at the same Code cite, IC 6-1.1-23.9-1. The general assembly intends to redesignate the first NEW section 1, which is further amended by SECTION 1 of this act, to read as follows effective July 1, 2018: "Sec. 0.5. Except as otherwise provided, the definitions in this chapter apply throughout this chapter, IC 6-1.1-24, IC 6-1.1-24.5, and IC 6-1.1-25." The revisor of statutes shall publish the Indiana Code with the first section 1 added by SEA 296-2018, SECTION 1, and amended by SECTION 1 of this act, as IC 6-1.1-23.9-0.5 and the second section added by SEA 296-2018, SECTION 1, as IC 6-1.1-23.9-1.**

(b) **This SECTION expires June 30, 2019.**

(Reference is to EHB 1320 as reprinted March 6, 2018.)

SLAGER	NIEMEYER
PRYOR	G. TAYLOR
House Conferees	Senate Conferees

Roll Call 376: yeas 98, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

EHB 1323-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1323 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-1.1-2-7, AS AMENDED BY P.L.256-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2019]: Sec. 7. (a) As used in this section, "nonbusiness personal property" means personal property that is not:

- (1) held for sale in the ordinary course of a trade or business;
- (2) held, used, or consumed in connection with the production of income; or
- (3) held as an investment.

(b) The following property is not subject to assessment and taxation under this article:

- (1) A commercial vessel that is subject to the net tonnage tax imposed under IC 6-6-6.
- (2) A vehicle that is subject to the vehicle excise tax imposed under IC 6-6-5.
- (3) A motorized boat or sailboat that is subject to the boat excise tax imposed under IC 6-6-11.
- (4) Property used by a cemetery (as defined in IC 23-14-33-7) if the cemetery:
 - (A) does not have a board of directors, board of trustees, or other governing authority other than the state or a political subdivision; and
 - (B) has had no business transaction during the preceding calendar year.
- (5) A commercial vehicle that is subject to the annual excise tax imposed under IC 6-6-5.5.
- (6) Inventory.
- (7) A recreational vehicle or truck camper that is subject to the annual excise tax imposed under IC 6-6-5.1.
- (8) The following types of nonbusiness personal property:
 - (A) All-terrain vehicles.

(B) Snowmobiles.

(C) Rowboats, canoes, kayaks, and other human powered boats.

(D) Invalid chairs.

(E) Yard and garden tractors.

(F) Trailers that are not subject to an excise tax under:

(i) IC 6-6-5;

(ii) IC 6-6-5.1; or

(iii) IC 6-6-5.5.

(9) **For an assessment date after December 31, 2018, heavy rental equipment (as defined in IC 6-6-15-2) that is rented or held in inventory for rental or sale, the rental of which is or would be subject to the heavy equipment rental excise tax under IC 6-6-15.**

SECTION 2. IC 6-2.5-1-5, AS AMENDED BY P.L.265-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2019]: Sec. 5. (a) Except as provided in subsection (b), "gross retail income" means the total amount of consideration, including cash, credit, property, and services, for which tangible personal property is sold, leased, or rented, valued in money, whether received in money or otherwise, without any deduction for:

- (1) the seller's cost of the property sold;
- (2) the cost of materials used, labor or service cost, interest, losses, all costs of transportation to the seller, all taxes imposed on the seller, and any other expense of the seller;
- (3) charges by the seller for any services necessary to complete the sale, other than delivery and installation charges;
- (4) delivery charges; or
- (5) consideration received by the seller from a third party if:

(A) the seller actually receives consideration from a party other than the purchaser and the consideration is directly related to a price reduction or discount on the sale;

(B) the seller has an obligation to pass the price reduction or discount through to the purchaser;

(C) the amount of the consideration attributable to the sale is fixed and determinable by the seller at the time of the sale of the item to the purchaser; and

(D) the price reduction or discount is identified as a third party price reduction or discount on the invoice received by the purchaser or on a coupon, certificate, or other documentation presented by the purchaser.

For purposes of subdivision (4), delivery charges are charges by the seller for preparation and delivery of the property to a location designated by the purchaser of property, including but not limited to transportation, shipping, postage charges that are not separately stated on the invoice, bill of sale, or similar document, handling, crating, and packing. Delivery charges do not include postage charges that are separately stated on the invoice, bill of sale, or similar document.

(b) "Gross retail income" does not include that part of the gross receipts attributable to:

(1) the value of any tangible personal property received in a like kind exchange in the retail transaction, if the value of the property given in exchange is separately stated on the invoice, bill of sale, or similar document given to the purchaser;

(2) the receipts received in a retail transaction which constitute interest, finance charges, or insurance premiums on either a promissory note or an installment sales contract;

(3) discounts, including cash, terms, or coupons that are not reimbursed by a third party that are allowed by a seller and taken by a purchaser on a sale;

(4) interest, financing, and carrying charges from credit extended on the sale of personal property if the amount is

separately stated on the invoice, bill of sale, or similar document given to the purchaser;

(5) any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale, or similar document given to the purchaser, **including an excise tax imposed under IC 6-6-15;**

(6) installation charges that are separately stated on the invoice, bill of sale, or similar document given to the purchaser;

(7) telecommunications nonrecurring charges; or

(8) postage charges that are separately stated on the invoice, bill of sale, or similar document.

(c) A public utility's or a power subsidiary's gross retail income includes all gross retail income received by the public utility or power subsidiary, including any minimum charge, flat charge, membership fee, or any other form of charge or billing.

SECTION 3. IC 6-6-15 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2019]:

Chapter 15. Heavy Equipment Rental Excise Tax

Sec. 1. This chapter applies only after December 31, 2018, to the rental of taxable heavy rental equipment.

Sec. 2. The following definitions apply throughout this chapter:

(1) "Department" refers to the department of state revenue.

(2) "Gross retail income" has the meaning set forth in IC 6-2.5-1-5, except that the term does not include taxes imposed under IC 6-2.5 or the excise tax imposed under this chapter.

(3) "Heavy rental equipment" means personal property (including attachments used in conjunction with the personal property):

(A) that is owned by a person or business that:

(i) is classified under 532412 of the North American Industry Classification System Manual in effect on January 1, 2018; and

(ii) is a retail merchant in the business of renting heavy equipment, including any attachments;

(B) is not intended to be permanently affixed to any real property; and

(C) is not subject to registration under IC 9-18.1 for use on a public highway (as defined in IC 9-25-2-4).

However, the term does not include heavy rental equipment that is rented for mining purposes or heavy rental equipment that is eligible for a property tax abatement deduction under IC 6-1.1-12.1 during the calendar year.

(4) "Person" has the meaning set forth in IC 6-2.5-1-3.

(5) "Rental" means any transfer of possession or control of heavy rental equipment for consideration:

(A) for a period not to exceed three hundred sixty-five (365) days; or

(B) for a period that is open ended under the terms of the rental contract with no specified end date.

(6) "Retail merchant" has the meaning set forth in IC 6-2.5-1-8.

Sec. 3. (a) An excise tax, known as the heavy equipment rental excise tax, is imposed upon the rental of heavy rental equipment from a retail merchant and from a location in Indiana.

(b) The heavy equipment rental excise tax imposed under this chapter is two and twenty-five hundredths percent (2.25%) of the gross retail income received by the retail merchant for the rental.

Sec. 4. A transaction involving the rental of heavy rental equipment is exempt from the tax imposed by this chapter if any of the following apply:

(1) The rentee is:

(A) the United States government;

(B) the state;

(C) a political subdivision (as defined in IC 36-1-2-13); or

(D) an agency or instrumentality of an entity described in clauses (A) through (C).

(2) The transaction is a subrent of the heavy rental equipment from a rentee to another person, and the rentee was liable for the tax imposed under this chapter.

Sec. 5. A person that rents heavy rental equipment is liable for the heavy equipment rental excise tax on the transaction. The person shall pay the tax to the retail merchant as a separate amount added to the consideration for the transaction. The retail merchant shall collect the tax as an agent for the state.

Sec. 6. (a) Subject to subsection (b), a retail merchant shall remit the heavy equipment rental excise tax that the retail merchant collects under this chapter in the same manner as the state gross retail tax is remitted under IC 6-2.5.

(b) The heavy equipment rental excise tax imposed under this chapter shall be sourced to the business location of the retail merchant from which the heavy rental equipment is rented.

(c) The return to be filed for the payment of the heavy equipment rental excise tax may be either a separate return or may be combined with the return filed for the payment of the state gross retail tax, as prescribed by the department.

Sec. 7. (a) All revenues collected from the heavy equipment rental excise tax must be deposited in a special account of the state general fund called the heavy equipment rental excise tax account.

(b) On or before April 30 and October 30 of each year, all amounts held in the heavy equipment rental excise tax account must be distributed to counties as provided by this section.

(c) The amount to be distributed to a county treasurer under this section equals the part of the total heavy equipment rental excise taxes being distributed that were initially imposed and collected from within that county treasurer's county. The department shall notify each county auditor of the amount of taxes to be distributed to the county treasurer. At the same time each distribution is made to a county treasurer, the department shall certify to the county auditor the taxing districts within the county where heavy equipment rental excise taxes were collected and the amount of the county distribution that was collected with respect to each taxing district.

(d) A county treasurer shall deposit heavy equipment rental excise tax distributions in a separate account for settlement at the same time as property taxes are accounted for and settled in June and December of each year.

(e) The county auditor shall apportion and the county treasurer shall distribute the heavy equipment rental excise taxes among the taxing units of the county in the same manner that property taxes are apportioned and distributed with respect to property located in the taxing district where the heavy equipment rental excise tax is sourced by the department under section 6(b) of this chapter.

(f) Before January 1, 2020, the heavy equipment rental excise taxes distributed to a taxing unit must be deposited in the taxing unit's levy excess fund under IC 6-1.1-18.5-17, or in the case of a school corporation, the school corporation's levy excess fund under IC 20-44-3.

(g) After December 31, 2019, the heavy equipment rental excise taxes distributed to a taxing unit must be allocated among the taxing unit's funds in the same proportion that the taxing unit's property tax collections are allocated among those funds.

(h) After December 31, 2019, taxing units of a county may request and receive advances of heavy equipment rental

excise tax revenues in the manner provided under IC 5-13-6-3.

(i) All distributions from the heavy equipment rental excise tax account must be made by warrants issued by the auditor of state to the treasurer of state ordering those distributions to the appropriate county treasurer.

SECTION 4. IC 6-8.1-1-1, AS AMENDED BY P.L.256-2017, SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2019]: Sec. 1. "Listed taxes" or "taxes" includes only the pari-mutuel taxes (IC 4-31-9-3 through IC 4-31-9-5); the riverboat admissions tax (IC 4-33-12); the riverboat wagering tax (IC 4-33-13); the slot machine wagering tax (IC 4-35-8); the type II gambling game excise tax (IC 4-36-9); the gross income tax (IC 6-2.1) (repealed); the utility receipts and utility services use taxes (IC 6-2.3); the state gross retail and use taxes (IC 6-2.5); the adjusted gross income tax (IC 6-3); the supplemental net income tax (IC 6-3-8) (repealed); the county adjusted gross income tax (IC 6-3.5-1.1) (repealed); the county option income tax (IC 6-3.5-6) (repealed); the county economic development income tax (IC 6-3.5-7) (repealed); the local income tax (IC 6-3.6); the auto rental excise tax (IC 6-6-9); the financial institutions tax (IC 6-5.5); the gasoline tax (IC 6-6-1.1); the special fuel tax (IC 6-6-2.5); the motor carrier fuel tax (IC 6-6-4.1); a motor fuel tax collected under a reciprocal agreement under IC 6-8.1-3; the vehicle excise tax (IC 6-6-5); the aviation fuel excise tax (IC 6-6-13); the commercial vehicle excise tax (IC 6-6-5.5); the excise tax imposed on recreational vehicles and truck campers (IC 6-6-5.1); the hazardous waste disposal tax (IC 6-6-6.6) (repealed); **the heavy equipment rental excise tax (IC 6-6-15);** the cigarette tax (IC 6-7-1); the beer excise tax (IC 7.1-4-2); the liquor excise tax (IC 7.1-4-3); the wine excise tax (IC 7.1-4-4); the hard cider excise tax (IC 7.1-4-4.5); the malt excise tax (IC 7.1-4-5); the petroleum severance tax (IC 6-8-1); the various innkeeper's taxes (IC 6-9); the various food and beverage taxes (IC 6-9); the county admissions tax (IC 6-9-13 and IC 6-9-28); the oil inspection fee (IC 16-44-2); the penalties assessed for oversize vehicles (IC 9-20-3 and IC 9-20-18); the fees and penalties assessed for overweight vehicles (IC 9-20-4 and IC 9-20-18); and any other tax or fee that the department is required to collect or administer.

(Reference is to EHB 1323 as printed February 21, 2018.)

HUSTON	HOLDMAN
STEMLER	STOOPS
House Conferees	Senate Conferees

Roll Call 377: yeas 98, nays 0. Report adopted.

Representative Eberhart, who had been excused, is now present.

CONFERENCE COMMITTEE REPORT ESB 421-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 421 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 12-7-2-110.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 110.7. "Housing with services establishment", for purposes of IC 12-10-11.5 and IC 12-10-15, has the meaning set forth in IC 12-10-15-3.

SECTION 2. IC 12-10-11.5-1, AS AMENDED BY P.L.35-2016, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. As used in

this chapter, "institution" means any of the following:

- (1) A health facility licensed under IC 16-28 as a **comprehensive care facility.**
- (2) An intermediate care facility for individuals with intellectual disabilities.

SECTION 3. IC 12-10-11.5-8, AS ADDED BY P.L.224-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 8. (a) ~~To the extent permitted under federal law,~~ As used in this section, "assisted living services" refers to services covered under the waiver and provided in any of the following entities:

- (1) A residential care facility licensed under IC 16-28.
- (2) Any other housing with services establishment.

(b) Under a Medicaid waiver that provides services to an individual who is aged or disabled, the office shall reimburse under Medicaid for assisted living services in a home and community based services program for individuals who are aged or disabled:

(b) If the division determines that a provider is out of compliance with state or federal home and community based setting requirements because of requirements of the provider's license, the division shall provide written guidance to the agency issuing the provider license in order to assist in the amendment of the licensure requirements to comply with federal and state home and community based setting requirements.

(c) The office may reimburse for any home and community based services provided to a Medicaid recipient beginning on the date of the individual's Medicaid application.

(d) The office may not do any of the following concerning assisted living services provided in a home and community based services program:

- (1) Require the installation of a sink in the kitchenette within any living unit of an entity that participated in the Medicaid home and community based service program before July 1, 2018.
- (2) Require all living units within a setting that provides assisted living services to comply with physical plant requirements that are applicable to individual units occupied by a Medicaid recipient.
- (3) Require a provider to offer only private rooms.
- (4) Require a housing with services establishment provider to provide housing when:

(A) the provider is unable to meet the health needs of a resident without:

- (i) undue financial or administrative burden; or
- (ii) fundamentally altering the nature of the provider's operations; and

(B) the resident is unable to arrange for services to meet the resident's health needs.

(5) Require a housing with services establishment provider to separate an agreement for housing from an agreement for services.

(6) Prohibit a housing with services establishment provider from offering studio apartments with only a single sink in the unit.

(7) Preclude the use of a shared bathroom between adjoining or shared units if the participants consent to the use of a shared bathroom.

(e) The division may adopt rules under IC 4-22-2 that establish the right, and an appeals process for, a resident to appeal a provider's determination that the provider is unable to meet the health needs of the resident as described in subsection (d)(4). The process:

- (1) must require an objective third party to review the provider's determination in a timely manner; and
- (2) may not be required if the provider is licensed by the state department of health and the licensure requirements include an appellate procedure for such a determination.

(f) Before December 31, 2018, the office shall:

(1) implement a process for; and
 (2) resume enrollment of;
 a provider with specialized and secure settings for individuals with Alzheimer's disease or other dementia, within a portion of or throughout the setting, to become a provider under a home and community based services program. At least forty-five (45) days before the adoption of an enrollment process under this subsection, the office shall consult with home and community based services providers, case managers, care managers, and persons with expertise in Alzheimer's disease or other dementia. The office's failure to adopt an enrollment process under this subsection shall not prevent the office from processing a provider application.

SECTION 4. IC 12-10-11.5-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 9. If the division performs inspections for compliance with state and federal home and community based services requirements, the division shall issue written findings to the person inspected not later than thirty (30) calendar days after the date of inspection.**

(Reference is to ESB 421, Printer's Error, as printed February 23, 2018.)

BECKER	HUSTON
STOOPS	HATFIELD
Senate Conferees	House Conferees

Roll Call 378: yeas 99, nays 0. Report adopted.

ACTION ON GUBERNATORIAL VETOES

House Enrolled Act 1523

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House of Representatives:

By the authority vested in me as Governor of Indiana, under the provisions of Article 5, Section 14, of the Constitution of the State of Indiana, I do hereby veto House Enrolled Act 1523, enacted during the regular session of the 120th General Assembly and related to search fees for public records requests.

While I understand the intent behind the bill to offset the considerable time and expense often devoted to fulfilling public records requests, I view this proposed legislation as contrary to my commitment to providing great government service at a great value for Hoosier taxpayers.

Providing access to public records is a key part of the work public servants perform and is important from a government transparency standpoint, I do not support policies that create burdensome obstacles to the public gaining access to public documents.

I vetoed HEA 1523 for these reasons; however, I support the provision requiring public agencies to provide electronic copies of public records in electronic format (such as emails) if requested.

Finally, I believe there are steps that can be taken administratively to streamline and improve the process for fulfilling public records requests, and I have charged my office to examine the best way to provide public transparency and access to public records at the highest possible value to the taxpayers.

Date: April 24, 2017
 ERIC HOLCOMB
 Governor

The Speaker handed down House Enrolled Act 1523, passed by the First Regular Session of the 120th General Assembly.

AN ACT to amend the Indiana Code concerning state and local administration.

The merits of House Enrolled Act 1523 and the governor's veto were explained. The question was, Shall House Enrolled Act 1523 pass, the Governor's veto notwithstanding?

Roll Call 379: yeas 0, nays 100. The Governor's veto was sustained.

A meeting of the Committee on Rules and Legislative Procedures was announced.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 6:34 p.m. with the Speaker in the Chair.

Upon request of Representative Goodin, the Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. Roll Call 380: 67 present. The Speaker declared a quorum present.

The Speaker yielded the gavel to the Acting Speaker, Representative Richardson.

RESOLUTIONS ON FIRST READING

House Resolution 61

Representatives Goodin, Lawson, Bartlett and Bosma introduced House Resolution 61:

A HOUSE RESOLUTION honoring Representative Charlie Brown.

Whereas, Representative Charlie Brown, who was elected to represent Hoosiers from House District 3 in 1982, will be leaving the House Chamber for the last time at the end of the 2018 session;

Whereas, During his time in the House of Representatives, Representative Brown has served on a number of influential legislative committees including the Standing Committee on Public Health (as Chairman), the Public Policy Committee, and the Statutory Committee on Interstate and International Cooperation;

Whereas, Through his work on the Public Health Committee, Representative Brown had the opportunity to work toward one of his primary legislative goals: to provide affordable, accessible, and high-quality health care for all Hoosiers;

Whereas, Among Representative Brown's most recent legislative achievements was playing a key leadership role in enacting the Healthy Indiana Plan (HIP) in 2007;

Whereas, Authored by Representative Brown, House Enrolled Act 1678 is one of the most innovative health care initiatives in the entire nation, providing expanded health insurance availability, improved prenatal care for expectant mothers, and a bipartisan effort to encourage establishment of wellness programs among Indiana employers of all sizes;

Whereas, Representative Brown has enjoyed many legislative successes during his illustrious career, including the investment and implementation of the sizable monetary allocation Indiana received through the federally mandated "tobacco settlement", substantive efforts to combat childhood obesity, improved childhood immunization policies, establishment of a proactive statewide smoking cessation/prevention program, Hoosier Rx (pharmaceutical cost assistance to low-income seniors), CHOICE (home health care services), parity for mental health insurance, the Healthy Indiana Plan (HIP), and the Dr. Martin Luther King, Jr. Holiday legislation;

Whereas, Representative Brown's accomplishments have been recognized by many different groups, including the National Association for Equal Opportunity in Higher Education, Indiana University Northwest School of Public and Environmental Affairs, the Alzheimer's Association of Indiana, Gary Community Mental Health Center, Boyhay Institute Legislative Leadership Development Fellowship, the Indiana Optometric Association, the Indiana AFL-CIO, the Indiana Council of Community Mental Health Centers, the Indiana Black Expo, the Mental Health Association of Indiana, and the Calumet Council of the Boy Scouts of America;

Whereas, Representative Brown has been the recipient of the Cheyney University National Alumni Association Award, the NAACP Mary White Ovington Award, the Indiana Hospital Association's "Award of Merit", and the Lake County Medical Society Award, and was inducted into the Cheyney University Sports Hall of Fame;

Whereas, When time permits, Representative Brown is an avid sports fan and music aficionado;

Whereas, Before becoming a state legislator, Representative Brown served as an educator in the Gary Community School Corporation, a youth coordinator, a mayor's assistant on youth activities, director of the Youth Services Bureau, affirmative action officer, and risk manager for the City of Gary;

Whereas, Representative Brown currently serves as a consultant providing health and management services to entities seeking to foster positive interaction between governmental entities and the community;

Whereas, Representative Charlie Brown grew up in Philadelphia, moving to Gary upon completion of his undergraduate studies in education at Cheyney State Teachers College in Cheyney, Pennsylvania;

Whereas, Representative Brown is married to Angela Baker Brown and has one daughter, Charlisa L. Scott; Representative Brown also has two grandsons, Landon Charles Douglas Scott and Cole Nathaniel Scott;

Whereas, Representative Brown has served his constituency loyally and faithfully since his election to the Indiana House of Representatives: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives bids a fond farewell to Representative Charlie Brown. The House of Representatives has seen only good things during his tenure and legislators and staff alike will miss him greatly. His departure will leave a void that will never be truly filled.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Representative Charlie Brown and his family.

The resolution was read a first time and adopted by voice vote.

The Acting Speaker, Representative Richardson, yielded the gavel to the Speaker.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 8:34 p.m. with the Speaker in the Chair.

Representatives Lucas and Steuerwald, who had been present, are now excused.

ACTION ON RULES SUSPENSIONS AND CONFERENCE COMMITTEE REPORTS

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 161.2 and recommends that it be suspended so that the following conference committee reports are eligible for consideration after March 3, 2018; we further recommend that House Rule 163.1 be suspended so that the following conference committee reports may be laid over on the members' desks for 1 hour, so that they may be eligible to be placed before the House for action: Engrossed Senate Bills 96-1, 186-1, 224-1, 269-1, 363-1 and 380-1.

TORR, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 161.1 be suspended so that the following conference committee reports are eligible for consideration after March 3, 2018, and that House Rule 163.1 be suspended so that the following conference committee reports may be laid over on the members' desks for 1 hour, so that they may be eligible to be placed before the House for action: Engrossed Senate Bills 96-1, 186-1, 224-1, 269-1, 363-1 and 380-1.

TORR, Chair

Motion prevailed.

CONFERENCE COMMITTEE REPORT

ESB 96-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 96 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 10-17-13-3, AS AMENDED BY P.L.217-2017, SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The veterans' affairs trust fund is established as a trust fund to provide a self-sustaining funding source for the military family relief fund established by IC 10-17-12-8. ~~and for the purposes set forth in IC 10-17-13-5.~~

(b) The fund consists of the following:

- (1) Appropriations by the general assembly.
- (2) Donations, gifts, grants, and bequests to the fund.
- (3) Interest and dividends on assets of the funds.
- (4) Money transferred to the fund from other funds.
- (5) Money from any other source deposited in the fund.

(c) The fund is considered a trust fund for purposes of IC 4-9.1-1-7.

SECTION 2. IC 10-17-13.5-4, AS ADDED BY P.L.217-2017, SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. (a) The department may make grants to qualified entities to be used for the purpose of providing services to veterans, including the following:

- (1) Programs focused on eliminating homelessness, preventing near term homelessness, and providing safe and secure living conditions.
- (2) Assisting veterans in moving from public housing assistance programs to:

- (A) home ownership; or
- (B) stable, long term rental status.

A grant under this chapter for the purpose specified in clause (B) may include up to nine (9) months of rental assistance.

- (3) Assisting veterans in finding and using available federal and state resources.
- (4) Providing therapeutic services.
- (5) Providing job training and job search assistance.

(b) The department may make grants to the provider chosen by the state department of health under section 6 of this chapter to be used for the purpose of providing assistance to the provider to provide diagnostic testing and hyperbaric oxygen treatment to veterans receiving treatment under the pilot program established under section 6 of this chapter. However, a grant under this chapter may not be awarded for the purposes specified in this subsection unless the state department of health has adopted the rules required by section 5-6(g) of this chapter. In addition, a grant may not be awarded for the purposes specified in this subsection after the expiration of the pilot program established under section 6 of this chapter.

SECTION 3. IC 10-17-13.5-6, AS ADDED BY P.L.217-2017, SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. (a) As used in this section, "hyperbaric oxygen treatment" means treatment for traumatic brain injury or posttraumatic stress disorder that is ordered by a health care provider and delivered in a hyperbaric chamber.

(b) The department shall establish a pilot program for the purpose of providing assistance for ~~the~~ **each** provider that has been approved by the state department of health to provide diagnostic testing and hyperbaric oxygen treatment to veterans receiving treatment under section 4(b) of this chapter.

(c) The state department of health shall issue a request for proposals to select ~~one (1) provider that is eligible up to five (5) providers that collectively represent the north, south, east, west, and central geographic areas of Indiana~~ to offer the treatment described in section 4(b) of this chapter.

(d) An individual veteran is eligible to begin treatment if the service related event that caused the traumatic brain injury or posttraumatic stress disorder ~~happened within the past twelve (12) months~~ **is documented by a licensed physician**.

(e) An individual veteran must pay a co-pay equal to ten percent (10%) of the cost of treatment billed to the department or the state department of health.

(f) A grant under the pilot program established under subsection (b) may be provided only to the provider chosen by the state department of health to provide diagnostic testing and hyperbaric oxygen treatment to veterans.

(g) The state department of health, after consulting with the department, shall adopt rules under IC 4-22-2 to implement section 4(b) of this chapter, including standards for the following:

- (1) Determination by ~~the~~ **a** provider that an individual is a veteran eligible for participation in the **pilot** program.
- (2) Determination by the state department of health that ~~the~~ **a** provider is eligible to participate in the **pilot** program, including:
 - (A) a requirement that the provider must maintain compliance with applicable fire codes, treatment protocols, and state department of health oversight; and
 - (B) other facility standards determined by the state department of health.
- (3) Treatment plan requirements, including the following:
 - (A) A provider's submission to the state department of health, before providing hyperbaric oxygen treatment to a veteran, of a treatment plan that includes:
 - (i) a health care provider's prescription for hyperbaric oxygen treatment;
 - (ii) verification by the provider that the veteran is

eligible for participation in the **pilot** program and voluntarily accepts treatment through the **pilot** program;

- (iii) an estimate of the cost of the veteran's treatment; and
- (iv) any other information required by the state department of health.

(B) A reasonable time frame for:

- (i) approval or disapproval by the state department of health of a treatment plan described in clause (A); and
- (ii) notice to the provider of approval or disapproval of the treatment plan.

(C) Contingent on sufficient funding available in the fund, approval of each treatment plan that meets the requirements established by the state department of health under this section.

(D) The sources of funding for the estimated treatment cost for each veteran whose treatment plan is approved under this section.

(4) Criteria for approval of payment for treatment that has been verified by the state department of health to have been provided under a treatment plan approved under subdivision (3), including:

- (A) whether a drug or device used in the treatment plan has been approved for any purpose by the federal Food and Drug Administration;
- (B) health improvement of the veteran receiving the treatment, as demonstrated through:

- (i) standardized, independent pretreatment and posttreatment neuropsychological testing;
- (ii) nationally accepted survey instruments;
- (iii) neurological imaging; or
- (iv) clinical examination; and

(C) receipt by the state department of health of pretreatment and posttreatment evaluation documentation.

(5) Confidentiality of all individually identifiable patient information of a veteran. However, subject to the requirements of the federal Health Insurance Portability and Accountability Act and any other applicable medical record laws, all data and information from which the identity of an individual veteran cannot be reasonably ascertained must be available to the general assembly, participating institutional review boards, participating health care providers, medical researchers, and other governmental agencies.

(h) A provider under this section, including a physician who supervises treatment, shall bill the pilot program and be paid at cost out of the grant amount awarded to the provider. No providers may profit from services provided under the pilot program. Services offered under the pilot program are provided as a service to veterans.

(i) Each provider shall quarterly file a status report concerning the services provided by the provider under the pilot program with the following:

- (1) The department.**
- (2) The state department of health.**

(j) At the conclusion of the pilot program, the department, in collaboration with the state department of health, shall prepare a written final report and transmit it to the following:

- (1) The governor.**
- (2) The leadership of the legislative council in electronic format under IC 5-14-6.**
- (3) The chairperson of the house committee on veterans affairs and public safety.**
- (4) The chairperson of the senate committee on veterans affairs and the military.**

The report required under this subsection must be made

available on the department's Internet web site.

~~(h)~~ (k) This section expires June 30, 2019- 2020.

SECTION 4. IC 10-17-13.5-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 7. A provider under section 6 of this chapter, including a physician who supervises treatment, is immune from civil and criminal liability for an act or omission relating to the use of hyperbaric oxygen treatment to treat a veteran under the pilot program, unless the act or omission constitutes gross negligence or willful or wanton misconduct.**

SECTION 5. IC 34-30-2-38.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 38.5. IC 10-17-13.5-7 (Concerning health care providers that provide hyperbaric oxygen, and physicians who supervise treatment, under the pilot program).**

SECTION 6. [EFFECTIVE UPON PASSAGE] (a) The following definitions apply throughout this SECTION:

(1) "Department" refers to the Indiana department of veterans' affairs.

(2) "Pilot program" refers to the pilot program established under IC 10-17-13.5-6 to provide assistance to approved providers that furnish diagnostic testing and hyperbaric oxygen treatment to veterans.

(b) Of the money appropriated to the department in P.L.217-2017, SECTION 8, for other operating expenses beginning July 1, 2017, and ending June 30, 2018, five hundred thousand dollars (\$500,000) is allocated for the pilot program.

(c) Of the money appropriated to the department in P.L.217-2017, SECTION 8, for other operating expenses beginning July 1, 2018, and ending June 30, 2019, five hundred thousand dollars (\$500,000) is allocated for the pilot program.

(d) Subject to subsection (e), appropriated money allocated to the pilot program under subsection (b) and remaining unspent at the end of the state fiscal year ending June 30, 2018:

(1) remains available to the department for the purposes of the pilot program; and

(2) does not revert to the state general fund.

(e) Money appropriated to the department for purposes of the pilot program for state fiscal years beginning July 1, 2017, and ending June 30, 2019, may not be spent after June 30, 2019. Any unspent money appropriated to the department for the pilot program that remains after June 30, 2019, reverts to the state general fund.

(f) This SECTION expires July 1, 2019.

SECTION 7. An emergency is declared for this act.

(Reference is to ESB 96 as printed February 23, 2018.)

DELPH

ZENT

NIEZGODSKI

C. BROWN

Senate Conferees

House Conferees

Roll Call 381: yeas 98, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

ESB 186-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 186 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 4, delete lines 13 through 22.

Renumber all SECTIONS consecutively.

(Reference is to ESB 186 as printed February 13, 2018.)

KRUSE

RANDOLPH

Senate Conferees

MORRIS

GIAQUINTA

House Conferees

Roll Call 382: yeas 97, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

ESB 224-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 224 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 25-23.6-5-3.5, AS AMENDED BY P.L.192-2017, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 3.5. (a) The applicant for a license as a clinical social worker must have at least two (2) years of clinical social work experience after receiving a graduate degree in social work and under the supervision of a qualified supervisor as determined by the board.**

(b) If an individual is obtaining the clinical social work experience described in subsection (a) in Indiana, the individual must be licensed as a social worker under section 1 of this chapter.

(c) A doctoral internship may be applied toward the supervised clinical social work experience requirement.

(d) Except as provided in subsection (e), the clinical social work experience requirement may be met by work performed at or away from the premises of the qualified supervisor.

(e) **Except as provided in subsection (g),** the clinical social work requirement may not be performed away from the qualified supervisor's premises if:

(1) the work is the independent private practice of clinical social work; and

(2) the work is not performed at a place with the supervision of a qualified supervisor available.

(f) Any supervised clinical social work experience hours that an applicant accumulates under this chapter do not expire and may be used by the applicant to satisfy the supervised clinical social work experience requirements under this chapter.

(g) **Up to fifty percent (50%) of the supervised clinical social work experience hours required under subsection (a) may be accounted for through virtual supervision by a qualified supervisor described in subsection (a).**

SECTION 2. IC 25-23.6-8-2.5, AS AMENDED BY P.L.134-2008, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 2.5. (a) An applicant for a license as a marriage and family therapist under section 1 of this chapter or an applicant for a license as a marriage and family therapist associate under section 1.5 of this chapter must complete the following educational requirements:**

(1) Except as provided in subsection (b), complete twenty-seven (27) semester hours or forty-one (41) quarter hours of graduate course work that must include graduate level course credits with material in at least the following content areas:

(A) Theoretical foundations of marriage and family therapy.

(B) Major models of marriage and family therapy.

(C) Individual development.

(D) Family development and family relationships.

(E) Clinical problems.

(F) Collaboration with other disciplines.

- (G) Sexuality.
- (H) Gender and sexual orientation.
- (I) Issues of ethnicity, race, socioeconomic status, and culture.
- (J) Therapy techniques.
- (K) Behavioral research that focuses on the interpretation and application of research data as it applies to clinical practice.

The content areas may be combined into any one (1) graduate level course, if the applicant can prove that the course work was devoted to each content area.

- (2) Not less than one (1) graduate level course of two (2) semester hours or three (3) quarter hours in the following areas:

- (A) Legal, ethical, and professional standards issues in the practice of marriage and family therapy or an equivalent course approved by the board.
- (B) Appraisal and assessment for individual or interpersonal disorder or dysfunction.

- (3) At least one (1) supervised clinical practicum, internship, or field experience in a marriage and family counseling setting that meets the following requirements:

(A) The applicant provided five hundred (500) ~~face to face client contact~~ hours of marriage and family therapy services, **including at least four hundred (400) face to face client contact hours**, under the supervision of a licensed marriage and family therapist who has at least five (5) years of experience or a qualified supervisor approved by the board.

(B) The applicant received one hundred (100) hours of supervision from a licensed marriage and family therapist who has at least five (5) years experience as a qualified supervisor.

The requirements under clauses (A) and (B) may be met by a supervised practice experience that took place away from an institution of higher education but that is certified by an official of the eligible postsecondary educational institution as being equivalent to a graduate level practicum or internship program at an institution accredited by an accrediting agency approved by the United States Department of Education Commission on Recognition of Postsecondary Education, the Association of Universities and Colleges of Canada, or the Commission on Accreditation for Marriage and Family Therapy Education.

- (b) The following graduate work may not be used to satisfy the content area requirements under subsection (a):

- (1) Thesis or dissertation work.
- (2) Practicums, internships, or fieldwork.

SECTION 3. IC 25-23.6-8-2.7, AS AMENDED BY P.L.28-2012, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2.7. (a) As used in this section, "first available examination" means the first examination after the date of:

- (1) graduation; or
- (2) moving into Indiana;

that has an application deadline that is at least thirty (30) days after the date of graduation or the date of moving into Indiana, unless the individual chooses to meet a deadline that is less than thirty (30) days after either of those events.

(b) An applicant for a license as a marriage and family therapist under section 1 of this chapter must have at least two (2) years of postdegree clinical experience, during which at least fifty percent (50%) of the applicant's clients were receiving marriage and family therapy services. The applicant's clinical experience must include one thousand (1,000) hours of postdegree clinical experience and two hundred (200) hours of postdegree clinical supervision, of which one hundred (100) hours must be individual supervision, under the supervision of a licensed marriage and family therapist who has at least five (5)

years of experience or an equivalent supervisor, as determined by the board.

- (c) If an individual applies for, takes, and passes the first available examination, the individual may not count more than five hundred (500) hours of the postdegree clinical experience that is:

- (1) required under subsection (b); and
- (2) accumulated before taking the examination toward licensure as a marriage and family therapist.

- (d) If an individual does not pass the first available examination, the individual may:

- (1) retain the hours accumulated before taking the examination;
- (2) continue working; and
- (3) not accumulate any additional hours toward licensure as a marriage and family therapist until passing the examination.

- (e) If an individual does not take the first available examination, the individual may not begin accumulating any postdegree clinical experience hours toward licensure as a marriage and family therapist until the individual passes the examination.

- (f) When obtaining the clinical experience required under subsection (b), the applicant must provide direct individual, group, and family therapy and counseling to the following categories of cases:

- (1) Unmarried couples.
- (2) Married couples.
- (3) Separating or divorcing couples.
- (4) Family groups, including children.

- (g) A doctoral internship may be applied toward the supervised work experience requirement.

- (h) Except as provided in subsection (i), the experience requirement may be met by work performed at or away from the premises of the supervising marriage and family therapist.

- (i) **Except as provided in subsection (j)**, the work requirement may not be performed away from the supervising marriage and family therapist's premises if:

- (1) the work is the independent private practice of marriage and family therapy; and
- (2) the work is not performed at a place that has the supervision of a licensed marriage and family therapist or an equivalent supervisor, as determined by the board.

(j) Up to fifty percent (50%) of the supervised postdegree clinical experience hours required under subsection (b) may be accounted for through virtual supervision by a licensed marriage and family therapist or equivalent supervisor described in subsection (b).

SECTION 4. IC 25-23.6-8.5-3, AS AMENDED BY P.L.84-2010, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. An applicant as a mental health counselor under section 1 of this chapter or a mental health counselor associate under section 1.5 of this chapter must complete the following educational requirements:

- (1) Complete sixty (60) semester hours of graduate course work in counseling that must include either a master's degree that required not less than forty-eight (48) semester hours or a doctor's degree in counseling. The graduate course work must include the following content areas:

- (A) Human growth and development.
- (B) Social and cultural foundations of counseling.
- (C) Helping relationship, including counseling theory and practice.
- (D) Group dynamics, processes, counseling, and consultation.
- (E) Lifestyle and career development.
- (F) Assessment and appraisal of individuals.
- (G) Research and program evaluation.
- (H) Professional orientation and ethics.
- (I) Foundations of mental health counseling.

- (J) Contextual dimensions of mental health counseling.
- (K) Knowledge and skills for the practice of mental health counseling and psychotherapy.
- (L) Clinical instruction.

(2) Not less than one (1) supervised clinical practicum, internship, or field experience in a counseling setting, which must include a minimum of ~~one thousand (1,000)~~ **seven hundred (700)** clock hours consisting of one (1) practicum of one hundred (100) hours, **and** one (1) internship of six hundred (600) hours ~~and one (1) advanced internship of three hundred (300) hours~~ with at least ~~one hundred (100)~~ **sixty-six (66)** hours of face to face supervision. This requirement may be met by a supervised practice experience that took place away from an eligible postsecondary educational institution but that is certified by an official of the eligible postsecondary educational institution as being equivalent to a clinical mental health graduate level practicum or internship program at an institution accredited by an accrediting agency approved by the United States Department of Education or the Association of Universities and Colleges of Canada.

SECTION 5. IC 25-23.6-8.5-4, AS AMENDED BY P.L.84-2010, SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. (a) As used in this section, "first available examination" means the first examination after the date of an individual's:

- (1) graduation; or
- (2) moving into Indiana;

that has an application deadline that is at least thirty (30) days after the date of graduation or the date of moving into Indiana, unless the individual chooses to meet a deadline that is less than thirty (30) days after either of those events.

(b) The applicant must have at least three thousand (3,000) hours of post-graduate clinical experience over a two (2) year period. The clinical experience must consist of one hundred (100) hours of ~~face to face~~ supervision under the supervision of a licensed mental health counselor or an equivalent supervisor, as determined by the board.

(c) A doctoral internship may be applied toward the supervised work experience requirement.

(d) Except as provided in subsection (e), the clinical experience requirement may be met by work performed at or away from the premises of the supervising mental health counselor.

(e) **Except as provided in subsection (i),** the clinical work requirement may not be performed away from the supervising mental health counselor's premises if:

- (1) the work is the independent private practice of mental health counseling; and
- (2) the work is not performed at a place that has the supervision of a licensed mental health counselor or an equivalent supervisor, as determined by the board.

(f) If an individual applies for, takes, and passes the first available examination, the individual may not count more than one thousand five hundred (1,500) hours of the postdegree clinical experience that is:

- (1) required under subsection (b); and
- (2) accumulated before taking the examination toward licensure as a mental health counselor.

(g) If an individual does not pass the first available examination, the individual may:

- (1) retain the hours accumulated before taking the examination;
- (2) continue working; and
- (3) not accumulate any additional hours toward licensure as a mental health counselor until passing the examination.

(h) If an individual does not take the first available examination, the individual may not begin accumulating any postdegree clinical experience hours toward licensure as a mental health counselor until the individual passes the

examination.

(i) Up to fifty percent (50%) of the supervised post-graduate clinical experience hours required under subsection (b) may be accounted for through virtual supervision by a licensed mental health counselor or equivalent supervisor described in subsection (b).

SECTION 6. IC 25-23.6-10.5-7, AS ADDED BY P.L.122-2009, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 7. (a) An applicant under section 1 of this chapter must have at least two (2) years of addiction counseling experience that must include at least one hundred fifty (150) hours under supervision, one hundred (100) hours of which must be under individual supervision and fifty (50) hours of which must be under group supervision. The supervision required must be provided by a qualified supervisor, as determined by the board.

(b) A doctoral internship may be applied toward the supervised work experience requirement.

(c) Except as provided in subsection (d), the experience requirement may be met by work performed at or away from the premises of the qualified supervisor.

(d) **Except as provided in subsection (e),** the work requirement may not be performed away from the qualified supervisor's premises if:

- (1) the work is the independent private practice of addiction counseling; and
- (2) the work is not performed at a place that has the supervision of a qualified supervisor.

(e) Up to fifty percent (50%) of the supervised addiction counseling experience hours required under subsection (a) may be accounted for through virtual supervision by a qualified supervisor described in subsection (a).

(Reference is to ESB 224 as reprinted March 2, 2018.)

HEAD	FRIZZELL
BREAUX	AUSTIN
Senate Conferees	House Conferees

Roll Call 383: yeas 93, nays 4. Report adopted.

CONFERENCE COMMITTEE REPORT ESB 269-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 269 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 8-6-7.7-3.3, AS AMENDED BY P.L.198-2016, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3.3. ~~(a) If a unit denies a petition to close a crossing under section 3.2 of this chapter, the Indiana department of transportation may shall schedule an appeal on the denial of the petition as set forth in this section. IC 4-21.5 If the Indiana department of transportation does not schedule an appeal on the denial of a petition within sixty (60) days after the petition is denied, the Indiana department of transportation is considered to have decided not to schedule an appeal on the denial of the petition. The decision to schedule or not schedule an appeal is subject to review under IC 4-21.5.~~

(b) If the Indiana department of transportation after reviewing the findings of the local unit on the petition determines that:

- (1) the crossing meets the criteria for closure, opening, or denial of a closure; adopted by the Indiana department of transportation under section 3-1 of this chapter; and**

(2) a compelling reason has been shown for the crossing to remain open;

the Indiana department of transportation shall issue written findings that the crossing may remain open.

(c) If the Indiana department of transportation after reviewing the findings of the local unit on the petition determines that:

(1) the crossing meets the criteria for closure adopted by the Indiana department of transportation under section 3-1 of this chapter; and

(2) a compelling reason has not been shown for the crossing to remain open;

the Indiana department of transportation shall issue an order abolishing the crossing under section 3 of this chapter.

SECTION 2. IC 8-23-31 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]:

Chapter 31. Notice of Department Actions

Sec. 1. (a) As used in this chapter, "department action" means one (1) or more of the following:

(1) Detour creation or implementation.

(2) Planned bridge repair.

(3) Planned road repair.

(b) As used in this chapter, "local news media organization" means any entity or organization that:

(1) broadcasts local news on television, radio, or the Internet; or

(2) distributes, prints, or publishes written local news.

(c) Beginning on January 1 of every year, the department shall release a contract let list to at least one (1) local news media organization every one hundred eighty (180) days. The contract let list described in this subsection must list all of the department's scheduled construction projects in the local transportation district for the one hundred eighty (180) day period and the projected letting date for each of the listed construction projects.

Sec. 2. The department shall consider the following when determining when to let a contract involving a department action:

(1) The impact of the scheduled department action on local commerce.

(2) The impact of the scheduled department action on local residents.

(3) The impact of the scheduled department action on local tourism.

Sec. 3. Notwithstanding any other law or provision, the department shall make a good faith effort to:

(1) use the least disruptive timing when determining when to let a contract involving a department action; and

(2) use the least restrictive means when implementing or performing a scheduled department action.

SECTION 3. IC 13-11-2-90, AS AMENDED BY P.L.78-2009, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 90. (a) "Governmental entity", for purposes of IC 13-18-3 and IC 13-25-6, means the state or a political subdivision.

(b) "Governmental entity", as used in IC 13-26, means a political subdivision (as defined in IC 36-1-2-13).

SECTION 4. IC 13-26-2-6, AS AMENDED BY P.L.263-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. (a) Except as provided in section 9 of this chapter, the hearing officer shall fix a time and place inside or within ten (10) miles of the proposed district for the hearing on any matter for which a hearing is authorized under this chapter.

(b) The hearing officer shall make a reasonable effort to provide notice of the hearing as follows:

(1) By publication of notice two (2) times each week for two (2) consecutive weeks in at least two (2) newspapers of general circulation in each of the counties, in whole or

in part, in the district. The publication of notice must, at a minimum, include a legal notice and a prominently displayed three (3) inches by five (5) inches advertisement.

(2) By United States mail sent at least two (2) weeks before the hearing to the following:

(A) The fiscal and executive bodies of each county with territory in the proposed district.

(B) The executive of all other eligible entities with territory in the proposed district, **including the executive of a city or town that has:**

(i) a municipal sewage works under IC 36-9-23; or

(ii) a public sanitation department under IC 36-9-25;

having extraterritorial jurisdiction within the boundaries of the area to be included in the proposed district.

(C) The state and any of its agencies owning, controlling, or leasing land within the proposed district, excluding highways and public thoroughfares owned or controlled by the Indiana department of transportation.

(D) Each sewage disposal company holding a certificate of territorial authority under IC 8-1-2-89 respecting territory in the proposed district.

(3) By making a reasonable effort to provide notice of the hearing by regular United States mail, postage prepaid, mailed at least two (2) weeks before the hearing to each freeholder within the proposed district.

(4) By including the date on which the hearing is to be held and a brief description of:

(A) the subject of the petition, including a description of the general boundaries of the area to be included in the proposed district; and

(B) the locations where copies of the petition are available for viewing.

SECTION 5. IC 13-26-8-4, AS AMENDED BY P.L.292-2013, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. (a) This section applies to the addition of territory to a regional sewage or solid waste district other than at the request of an eligible entity described in section 1 of this chapter. This section does not apply to a regional water district.

(b) To add territory to a district already established, the board of the district must file with the department a motion adopted by the board requesting the addition of territory to the district. **If the motion is for the addition of territory to a regional sewage district, the board, not later than ten (10) days after filing the motion with the department, must also file a copy of the motion in the office of:**

(1) the executive of each governmental entity having territory within the territory proposed to be added to the regional sewage district; and

(2) the executive of a city or town having:

(A) a municipal sewage works under IC 36-9-23; or

(B) a public sanitation department under IC 36-9-25;

if the territory proposed to be added to the regional sewage district includes territory within the extraterritorial jurisdiction of the municipal sewage works or public sanitation department.

(c) Except as provided under subsections (d) and (e), if a motion is filed with the department under subsection (b):

(1) the same procedure must be used to add territory to the district as is provided for the establishment of a district under IC 13-26-2; and

(2) the department shall proceed in the same manner that is set forth in IC 13-26-2, IC 13-26-4, IC 13-26-6, and IC 13-26-7.

(d) Not more than one hundred eighty (180) days after the

date a motion is filed with the department under subsection (b) to add territory to a district already established, if a petition is filed with the department that is signed by a majority of the freeholders within the area proposed to be added and indicating that the freeholders are opposed to the addition of the area by the district:

- (1) the department may not proceed under subsection (c); and
 - (2) the territory may not be added to the district.
 - (e) For purposes of subsection (c):
 - (1) the commissioner is not required to appoint a hearing officer under IC 13-26-2-5;
 - (2) the board shall:
 - (A) provide the notice of; and
 - (B) conduct;
- the hearing required under IC 13-26-2-6; and
- (3) instead of making findings and recommendations under IC 13-26-2-8, the board shall submit documentary evidence to the commissioner to prove the:
 - (A) notice was provided; and
 - (B) hearing was conducted;
- by the board as required under subdivision (2).

Renumber all SECTIONS consecutively.

(Reference is to ESB 269 as reprinted March 2, 2018.)

KOCH	SOLIDAY
NIEZGODSKI	FORESTAL
Senate Conferees	House Conferees

Roll Call 384: yeas 97, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

ESB 363-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 363 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 12-7-2-105 IS REPEALED [EFFECTIVE JULY 1, 2018]. ~~Sec. 105: "Home care services", for purposes of IC 12-10-13, has the meaning set forth in IC 12-10-13-3.~~

SECTION 2. IC 12-7-2-122.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 122.4. "Legal assistance developer", for purposes of IC 12-10-13, has the meaning set forth in IC 12-10-13-3.2.**

SECTION 3. IC 12-7-3-1, AS ADDED BY P.L.220-2011, SECTION 253, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. (a) A rule adopted by the department of mental health concerning developmental disabilities under IC 16-13-1 (before its repeal by P.L.9-1991) is valid and effective until the division of **aging disability** and rehabilitative services adopts a rule under IC 4-22-2 that:

- (1) supersedes in whole or in part the department of mental health rule; or
- (2) repeals the department of mental health rule.

(b) Notwithstanding subsection (a), if a rule adopted by the department of mental health before January 1, 1992:

- (1) has not been superseded or repealed as provided in subsection (a); and
- (2) provides authority to the department of mental health that has been transferred to the division of **aging disability** and rehabilitative services under P.L.9-1991;

that rule shall be interpreted to constitute an authorization to the division of **aging disability** and rehabilitative services and not

the department of mental health.

SECTION 4. IC 12-7-3-2, AS ADDED BY P.L.220-2011, SECTION 253, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. (a) A rule adopted by the department of mental health concerning case management services for developmentally disabled persons under IC 16-14-31 (before its repeal by P.L.9-1991) is valid and effective until the division of **aging disability** and rehabilitative services adopts a rule under IC 4-22-2 that:

- (1) supersedes in whole or in part the department of mental health rule; or
- (2) repeals the department of mental health rule.

(b) Notwithstanding subsection (a), if a rule adopted by the department of mental health before January 1, 1992:

- (1) has not been superseded or repealed as provided in subsection (a); and
- (2) provides authority to the department of mental health that has been transferred to the division of **aging disability** and rehabilitative services under P.L.9-1991;

that rule shall be interpreted to constitute an authorization to the division of **aging disability** and rehabilitative services and not the department of mental health.

SECTION 5. IC 12-7-3-3, AS ADDED BY P.L.220-2011, SECTION 253, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. (a) A rule adopted by the department of mental health concerning residential facilities under IC 16-13-21 or IC 16-13-22, as amended by P.L.9-1991 and before their repeal, is valid and effective until the division of **aging disability** and rehabilitative services adopts a rule under IC 4-22-2 that:

- (1) supersedes in whole or in part the department of mental health rule; or
- (2) repeals the department of mental health rule.

(b) Notwithstanding subsection (a), if a rule adopted by the department of mental health before January 1, 1992:

- (1) has not been superseded or repealed as provided in subsection (a); and
- (2) provides authority to the department of mental health that has been transferred to the division of **aging disability** and rehabilitative services under P.L.9-1991;

that rule shall be interpreted to constitute an authorization to the division of **aging disability** and rehabilitative services and not the department of mental health.

SECTION 6. IC 12-7-3-5, AS ADDED BY P.L.220-2011, SECTION 253, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5. (a) A rule adopted by the state department of public welfare concerning room and board assistance under IC 12-1-5.5, as repealed by P.L.9-1991, is valid and effective until the division of **aging disability** and rehabilitative services adopts a rule under IC 4-22-2 that:

- (1) supersedes in whole or in part the state department of public welfare rule; or
- (2) repeals the state department of public welfare rule.

(b) Notwithstanding subsection (a), if a rule adopted by the state department of public welfare before January 1, 1992:

- (1) has not been superseded or repealed as provided in subsection (a); and
- (2) provides authority to the state department of public welfare that has been transferred to the division of **aging disability** and rehabilitative services under P.L.9-1991;

that rule shall be interpreted to constitute an authorization to the office of Medicaid policy and planning established under IC 12-6-6 (before its repeal) and not the state board of public welfare.

SECTION 7. IC 12-7-3-9, AS ADDED BY P.L.220-2011, SECTION 253, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 9. (a) A rule adopted by the department of mental health concerning epilepsy services is valid and effective until the division of **aging disability** and rehabilitative services adopts a rule under IC 4-22-2 that:

(1) supersedes in whole or in part the department of mental health rule; or

(2) repeals the department of mental health rule.

(b) Notwithstanding subsection (a), if a rule adopted by the department of mental health before January 1, 1992:

(1) has not been superseded or repealed as provided in subsection (a); and

(2) provides authority to the department of mental health that has been transferred to the division of **aging disability** and rehabilitative services under P.L.9-1991;

that rule shall be interpreted to constitute an authorization to the division of **aging disability** and rehabilitative services and not the department of mental health.

SECTION 8. IC 12-10-13-3 IS REPEALED [EFFECTIVE JULY 1, 2018]. ~~Sec. 3. As used in this chapter, "home care services" means in-home services funded through any of the following:~~

~~(1) The office of Medicaid policy and planning;~~

~~(2) A county office;~~

~~(3) The division;~~

SECTION 9. IC 12-10-13-3.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 3.2. As used in this chapter, "legal assistance developer" has the meaning set forth in 42 U.S.C. 3058j.**

SECTION 10. IC 12-10-13-3.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3.3. As used in this chapter, "legal representative" means:

(1) a guardian;

(2) a health care representative acting under IC 16-36-1;

(3) an attorney-in-fact for health care appointed under IC 30-5-5-16;

(4) an attorney-in-fact appointed under IC 30-5-5 who does not hold health care powers; or

(5) the personal representative of the estate;

of a resident of a long term **care** facility. ~~or client of home care services.~~

SECTION 11. IC 12-10-13-3.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3.6. As used in this chapter, "long term care facility" means ~~either any of the following:~~

(1) A facility licensed under or subject to IC 16-28-2.

(2) An adult care home **as a residential care facility.**

(3) A facility certified as a Medicaid waiver facility for the aged and disabled population.

SECTION 12. IC 12-10-13-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4.5. As used in this chapter, "ombudsman" means an ~~employee of the office or an individual approved by the office or entity designated by the state ombudsman~~ to investigate and resolve local complaints and concerns regarding the health, safety, welfare, or rights of residents. ~~or clients under 42 U.S.C. 3027 and this chapter.~~

SECTION 13. IC 12-10-13-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 6. As used in this chapter, "state ombudsman" refers to the individual ~~who directs~~ **appointed by the secretary or the secretary's designee to run the state long term care ombudsman program and office under 42 U.S.C. 3001 et seq. and this chapter.**

SECTION 14. IC 12-10-13-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 7. The division shall establish the long term care ombudsman office in compliance with ~~42 U.S.C. 3027; 42 U.S.C. 3001 et seq.~~

SECTION 15. IC 12-10-13-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 10. The state ombudsman must have familiarity with the following:

(1) Gerontology or long term care.

(2) The legal system.

(3) Dispute or problem resolution techniques, including investigation, mediation, and negotiation.

(4) Knowledge of Medicare and Medicaid funding of long term care.

SECTION 16. IC 12-10-13-11, AS AMENDED BY P.L.35-2016, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 11. The state ombudsman may not have been employed by a long term care facility ~~or a home care service organization~~ within one (1) year preceding the proposed appointment by the secretary or the secretary's designee.

SECTION 17. IC 12-10-13-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 12. The state ombudsman ~~and or~~ a member of the state ombudsman's immediate family may not have had a pecuniary interest in a long term care facility ~~or a home care service organization~~ within three (3) years preceding the director's proposed appointment.

SECTION 18. IC 12-10-13-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 14. ~~(a)~~ The office shall receive, investigate, and attempt to resolve complaints and concerns that:

(1) are made by or on behalf of a patient, resident, or client of a long term care facility, ~~or a home care service~~, except for an individual with a developmental disability who is receiving waiver services; and

(2) involve the health, safety, welfare, or rights of a resident. ~~or client.~~

~~(b) At the conclusion of an investigation of a complaint, the office shall report the office's findings to the complainant.~~

SECTION 19. IC 12-10-13-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 15. At the conclusion of an investigation of a complaint, the office ~~shall report the office's findings to the complainant.~~ **may, with the informed consent of the resident or the resident's legal representative, disclose records, findings, and documentation of an investigated case maintained by the office to parties associated with a resident involved in the investigation.**

SECTION 20. IC 12-10-13-16 IS REPEALED [EFFECTIVE JULY 1, 2018]. ~~Sec. 16. If the office does not investigate a complaint, the office shall notify the complainant of the decision not to investigate and the reasons for the decision.~~

SECTION 21. IC 12-10-13-16.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 16.2. In accordance with this chapter, an ombudsman must be provided access to the following:

(1) Long term care facilities ~~entities that provide home care services~~, and the residents ~~or clients~~ of the long term care facilities. ~~or entities that provide home care services.~~

(2) As provided in section 16.4 of this chapter, a resident's ~~or client's~~ medical, financial, and social records.

(3) If the resident ~~or client~~ is incapable of giving consent, as determined by the attending physician or as otherwise determined under state law, the name, address, and telephone number of the resident's ~~or client's~~ legal representative.

SECTION 22. IC 12-10-13-16.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 16.4. (a) An ombudsman must be provided access to a resident's ~~or client's~~ medical, financial, and social records. Except as provided in subsections (c) and (d), the ombudsman must obtain consent under subsection (b) before having access to the records.

(b) Consent to have access to a resident's ~~or client's~~ medical, financial, and social records shall be given in one (1) of the following forms:

(1) In writing by the resident. ~~or client.~~

(2) Orally by the resident. ~~or client in the presence of a witness.~~

(3) Through the use of auxiliary aids and services.

~~(3) (4)~~ In writing by the legal representative of the resident ~~or client~~ if:

- (A) the resident ~~or client~~ is incapable of giving consent, as determined by the attending physician or as otherwise determined under state law; and
- (B) the legal representative has the authority to give consent.

(5) Visually by the resident.

(c) If consent to have access to a resident's ~~or client's~~ medical, financial, and social records cannot be obtained under subsection (b), an ombudsman may inspect the records of a resident ~~or client~~ if the resident ~~or client~~ is incapable of giving consent, as determined by the attending physician or as otherwise determined under state law; and:

- (1) has no legal representative;
- (2) has a legal representative but the legal representative cannot be contacted within three (3) days; or
- (3) has a legal representative but the legal representative does not have the authority to give consent to have access to the records.

(d) If an ombudsman has:

- (1) been denied access to a resident's ~~or client's~~ medical, financial, and social records by the resident's ~~or client's~~ legal representative;
 - (2) reasonable cause to believe that the resident's ~~or client's~~ legal representative is not acting in the best interests of the resident; ~~or client~~; and
 - (3) received written approval from the state ombudsman;
- the ombudsman may inspect the records of the resident. ~~or client~~.

SECTION 23. IC 12-10-13-16.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 16.5. An ombudsman shall be given appropriate access to the records of a long term care facility, ~~or home care service~~: **including the following:**

- (1) Administrative policies.**
- (2) Licensing and certification records.**
- (3) Survey results.**

SECTION 24. IC 12-10-13-16.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 16.7. A long term care facility ~~or home care service~~ or an employee of a long term care facility ~~or home care service~~ is immune from:

- (1) civil or criminal liability; and
- (2) actions taken under a professional disciplinary procedure;

for the release or disclosure of records to an ombudsman under this chapter.

SECTION 25. IC 12-10-13-16.8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 16.8. The office shall do the following:

- (1) Promote effective coordination between the office and the following:
 - (A) Programs that provide legal services for the elderly.
 - (B) The adult protective services program.
 - (C) The attorney general's division of Medicaid fraud.
 - (D) The state department of health.
 - (E) Indiana protection and advocacy services.
 - (F) The state's legal assistance developer.**

- (2) Establish a statewide toll free telephone line to receive reports of ~~problems about long term care facilities or home care services~~: **residents' complaints concerning long term care facilities.**
- (3) Ensure that the identity of a complainant ~~or resident or client~~ will not be disclosed without:

- (A) the complainant's ~~or resident's or client's~~ written consent; or
- (B) a court order.

SECTION 26. IC 12-10-13-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 19. (a) The office shall prepare a report each year on the operations of the office.

- (b) A copy of the report shall be provided to the following:

- (1) The governor.
- (2) The general assembly. The report must be in an electronic format under IC 5-14-6.
- (3) The division.
- (4) The secretary.**
- ~~(4) (5) The federal Commissioner on Aging.~~ **Assistant Secretary for Aging of the Administration for Community Living.**
- ~~(5) (6) Each area agency on aging within Indiana.~~
- ~~(6) (7) The state department of health.~~

SECTION 27. IC 12-10-13-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 20. A person who:

- (1) intentionally prevents the work of the office;
- (2) knowingly offers compensation to the office in an effort to affect the outcome of an investigation or a potential investigation; or
- (3) retaliates against a resident, ~~a client~~, an employee, or another person who files a complaint or provides information to the office;

commits a Class B misdemeanor.

SECTION 28. IC 12-10-13-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 21. The office shall make available independent legal counsel for the state ombudsman for the following:**

- (1) Representation of the state ombudsman against a lawsuit or other legal action that is brought or threatened to be brought against the state ombudsman in connection with the state ombudsman's performance of the state ombudsman's official duties of the state long term care ombudsman program.**
- (2) Advice and counsel for the state ombudsman in protecting a resident's rights.**
- (3) The drafting of rules, policies, and procedures for the operation of the state long term care ombudsman program.**
- (4) Advice concerning complaint resolution of complex cases.**

SECTION 29. IC 12-10-13-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 22. The office shall ensure that grievances and complaints are addressed concerning the following:**

- (1) Action taken or failure to take action on behalf of a resident.**
- (2) Designation or revocation of designation of local:**
 - (A) host agencies; or**
 - (B) representatives of the state long term care ombudsman program and office.**

SECTION 30. IC 12-24-1-3, AS AMENDED BY P.L.19-2017, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. (a) The director of the division of mental health and addiction has administrative control of and responsibility for the state institution network operating as an integrated mental health system, including the following:

- (1) Evansville State Hospital.
 - (2) Evansville State Psychiatric Treatment Center for Children.
 - (3) Larue D. Carter Memorial Hospital.
 - (4) Logansport State Hospital.
 - (5) Madison State Hospital.
 - (6) Richmond State Hospital.
 - (7) The Neurodiagnostic Institute and Advanced Treatment Center.
 - (8) Any other state owned or operated mental health institution, including a freestanding facility or satellite facility.
- (b) Subject to the approval of the director of the budget

agency and the governor, the director of the division of mental health and addiction may contract for the management and clinical operation of any state institution, including contracting with a nonstate entity for services.

(c) Before July 1, 2014, the Evansville State Psychiatric Treatment Center for Children and the Evansville State Hospital may not be closed; merged into one (1) facility; or merged with another facility unless:

- (1) authorized by an enactment of the general assembly; or
- (2) recommended by the council established by section 3-5 of this chapter before January 1, 2014.

SECTION 31. IC 12-24-1-9 IS REPEALED [EFFECTIVE JULY 1, 2018]. Sec. 9: (a) A director shall produce a statistical report semiannually for each state institution that is under the director's administrative control. The statistical report must list the following information:

- (1) The number of total hours worked in the state institution by each classification of personnel for which the director maintains data;
- (2) The resident census of the state institution for which the director maintains data;

(b) The director shall provide a compilation of the statistical reports prepared under subsection (a) to the following:

- (1) Each state institution that is under the director's administrative control;
- (2) The adult protective services unit under IC 12-10-3;

(c) Each state institution shall:

- (1) make available in a place that is readily accessible to residents and the public a copy of the compilation of statistical reports provided under this section; and
- (2) post a notice that a copy of the compilation of statistical reports may be requested from the individual in charge of each shift;

(d) The notice required under subsection (c)(2) must meet the following conditions:

- (1) Be posted in a conspicuous place that is readily accessible to residents and the public;
- (2) Be at least 24 point font size on a poster that is at least eleven (11) inches wide and seventeen (17) inches long;
- (3) Contain the:

- (A) business telephone number of the superintendent of the state institution; and
- (B) toll free telephone number for filing complaints with the division that is administratively in charge of the state institution;

(4) State that if a resident, the legal representative of the resident, or another individual designated by the resident is unable to obtain the compilation of statistical reports from the individual in charge of each shift, the resident, the legal representative of the resident, or other individual designated by the resident may do any of the following:

- (A) Contact the superintendent of the state institution;
- (B) File a complaint with the division that is administratively in charge of the state institution by using the division's toll free telephone number;

(e) The director of the:

- (1) division of disability and rehabilitative services; and
- (2) division of mental health and addiction;

may adopt rules under IC 4-22-2 to carry out this section.

SECTION 32. IC 12-24-2-9 IS REPEALED [EFFECTIVE JULY 1, 2018]. Sec. 9: (a) Notwithstanding any other law, an individual shall be admitted to the Evansville State Psychiatric Treatment Center for Children if the decision to admit the individual is approved by:

- (1) the individual's gatekeeper; and
- (2) the Evansville State Psychiatric Treatment Center for Children's admission committee, which must consist of at least the following individuals:

- (A) The superintendent;
- (B) The medical director;

(C) The clinical director;

(D) The director of nursing;

(b) The division of mental health and addiction shall encourage and facilitate the placement of appropriate patients at the Evansville State Psychiatric Treatment Center for Children. A state operated facility must be considered before referring a patient to an out-of-state treatment center. The appropriateness of admission to the Evansville State Psychiatric Treatment Center for Children is determined when both the individual's gatekeeper and the Evansville State Psychiatric Treatment Center for Children's admission committee agree that the individual meets admission criteria and that admission to the Evansville State Psychiatric Treatment Center for Children is the least restrictive treatment option available to meet the individual's psychiatric needs. An administrator of the division of mental health and addiction may not make a determination of the appropriateness of admission to the Evansville State Psychiatric Treatment Center for Children unless the individual's gatekeeper and the admissions committee fail to reach agreement on the appropriateness of the referral. If the gatekeeper and the admissions committee fail to reach an agreement on the appropriateness of the referral, the decision of the division of mental health and addiction is final.

SECTION 33. IC 12-24-3-5 IS REPEALED [EFFECTIVE JULY 1, 2018]. Sec. 5: (a) Notwithstanding IC 22-2-5-2, the state institution and:

- (1) an employee if there is no representative described under subdivision (2) or (3) for that employee;
- (2) the exclusive representative of its certificated employees with respect to those employees; or
- (3) a labor organization representing its noncertificated employees with respect to those employees;

may agree in writing to a wage payment arrangement.

(b) A wage payment arrangement under subsection (a) may provide that compensation earned during a school year may be paid:

- (1) using equal installments or any other method; and
- (2) over:
 - (A) all or part of that school year; or
 - (B) any other period that begins not earlier than the first day of that school year and ends not later than thirteen (13) months after the wage payment arrangement period begins.

Such an arrangement may provide that compensation earned in a calendar year is paid in the next calendar year, so long as all the compensation is paid within the thirteen (13) month period beginning with the first day of the school year.

(c) A wage payment arrangement under subsection (a) must be structured in such a manner so that it is not considered:

- (1) a nonqualified deferred compensation plan for purposes of Section 409A of the Internal Revenue Code; or
- (2) deferred compensation for purposes of Section 457(f) of the Internal Revenue Code;

(d) Absent an agreement under subsection (a), the state institution remains subject to IC 22-2-5-1.

(e) Wage payments required under a wage payment arrangement entered into under subsection (a) are enforceable under IC 22-2-5-2.

(f) If an employee leaves employment for any reason, either permanently or temporarily, the amount due the employee under IC 22-2-5-1 and IC 22-2-9-2 is the total amount of the wages earned and unpaid.

(g) Employment with the state institution may not be conditioned upon the acceptance of a wage payment arrangement under subsection (a).

(h) An employee may revoke a wage payment arrangement under subsection (a) at the beginning of each school year.

SECTION 34. IC 12-28-4-1, AS AMENDED BY P.L.99-2007, SECTION 137, IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. This chapter applies to residential facilities for ~~both~~ individuals with a developmental disability, ~~and individuals with a mental illness.~~

SECTION 35. IC 34-30-2-42 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 42. IC 12-10-13-16.7 (Concerning a long term care facility ~~a home care service~~, or ~~their~~ its employees for release or disclosure of records to an ombudsman).

(Reference is to ESB 363 as reprinted February 27, 2018.)

CHARBONNEAU	KIRCHHOFFER
BREAUX	SHACKLEFORD
Senate Conferees	House Conferees

Roll Call 385: yeas 97, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT ESB 380-1

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 380 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 14-21-1-18, AS AMENDED BY HEA 1003-2018, SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 18. (a) A:

- (1) historic site or historic structure owned by the state; or
- (2) historic site or historic structure listed on the state or national register;

may not be altered, demolished, or removed by a project funded, in whole or in part, by the state unless the review board has granted a certificate of approval.

(b) An application for a certificate of approval:

- (1) must be filed with the division; and
- (2) shall be granted or rejected by the review board after a public hearing.

(c) Subsections (a) and (b) do not apply to real property that is owned by a state educational institution.

(d) The commission for higher education and each state educational institution, in cooperation with the division of historic preservation and archeology, shall develop and continually maintain a survey of historic sites and historic structures owned by the state educational institution. Historic sites and historic structures include buildings, structures, outdoor sculpture, designed landscapes, gardens, archeological sites, cemeteries, campus plans, and historic districts. A survey developed under this subsection must conform with the Indiana Historic Sites and Structures Survey Manual.

(e) Not more than thirty (30) days after a state educational institution, under section 18.6 of this chapter, submits to the division a description of a proposed project that involves the substantial alteration, demolition, or removal of a historic site or historic structure, the state historic preservation officer shall:

- (1) review the description of the proposed project; and
- (2) submit to the state educational institution an advisory report concerning the proposed project.

The state educational institution shall review and consider the advisory report before proceeding with the substantial alteration, demolition, or removal of a historic site or historic structure.

(f) Subsections (a) and (b) do not apply to a construction project that is funded, in whole or in part, by the state if the project involves the substantial alteration, demolition, or removal of a road or a sidewalk within the boundaries of the property of a historic site or a historic structure.

(g) A person who intends to perform a construction project described in subsection (f) at a historic site or a historic structure shall submit an application for a certificate of approval with the division before beginning work on the construction project. Not later than thirty (30) days after the date the person submits an application for a certificate of approval, the division must issue a determination that the construction project:

- (1) does not have an adverse impact on the historic site or the historic structure; or**
- (2) has an adverse impact on the historic site or the historic structure.**

If the division determines that the proposed construction project meets the criteria in subdivision (1), the person may begin work on the road or sidewalk described in subsection (f) at the historic site or the historic structure. If the division determines under subdivision (2) that the construction project would have an adverse impact, the person may not begin work on the construction project described in subsection (f) at the historic site or the historic structure. However, if the division does not issue a determination under this subsection within thirty (30) days after the date the person submits an application for a certificate of approval, the person may begin work on the construction project described in subsection (f).

(h) Subsection (g) does not apply to a construction project described in subsection (f) that is funded, in whole or in part, by the federal government.

(Reference is to ESB 380 as reprinted March 1, 2018.)

MESSMER	BARTELS
RANDOLPH	HAMILTON
Senate Conferees	House Conferees

Roll Call 386: yeas 97, nays 0. Report adopted.

ENROLLED ACTS SIGNED

The Speaker announced that he had signed House Enrolled Acts 1063, 1109, 1155, 1167, 1228, 1242, 1277, 1278, 1288, 1290, 1311, 1383, 1399, 1402, 1406 and 1421 on March 13.

ENROLLED ACTS SIGNED

The Speaker announced that he had signed Senate Enrolled Acts 6, 12, 43, 74, 75, 119, 124, 125, 126, 128, 134, 135, 139, 172, 179, 190, 197, 203, 217, 221, 223, 240, 257, 262, 264, 281, 290, 296, 299, 301, 327, 331, 340, 341, 349, 353, 354, 362, 369, 373, 375, 393, 428, 431, 436 and 438 on March 13.

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House of Representatives: On March 13, 2018, I signed into law House Enrolled Acts 1006, 1036, 1119, 1382 and 1397.

ERIC HOLCOMB
Governor

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that Representative Dvorak be added as coauthor of House Bill 1089.

OBER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 105.1 be suspended for the purpose of adding more than three cosponsors and that Representatives Zent and Jordan be added as cosponsors of Engrossed Senate Bill 1270.

SIEGRIST

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 67, 68, 69, 71, 72 and 73 and the same are herewith returned to the House.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 55 and the same is herewith transmitted to the House for further action.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has concurred in the House amendments to Engrossed Senate Bills 265 and 347.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 1031.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 1311.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 1406.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 238.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 410.

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore David Long has made the following change in conferee or advisor appointments to Engrossed Senate Bill 50:

Conferees: Senator Niezgodski replacing Senator Tallian
Advisors: Senator Tallian replacing Senator Neizgodski

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators to serve as conference committee on Engrossed Senate Bill 188:

Conferees: Mishler, Chairman; and G. Taylor
Advisors: Bray, Tallian and Perfect

JENNIFER L. MERTZ
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators to serve as conference committee on Engrossed Senate Bill 419:

Conferees: Doriot, Chairman; and Lanane
Advisors: Koch, Randolph and Buck

JENNIFER L. MERTZ
Principal Secretary of the Senate

On the motion of Representative C. Brown, the House adjourned at 8:52 p.m., this thirteenth day of March, 2018, until Wednesday, March 14, 2018, at 10:00 a.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives